

**COUNTY OF KAUAI**  
**Minutes of Charter Commission Meeting – July 17, 2006**

Board/Committee:	CHARTER COMMISSION (CC)	Meeting Date	July 17, 2006		
Location	Council Chambers	Time	4:35 pm	Adjourned	9:00 pm
Present	Mr. Louis Abrams, Chair, Ms. Barbara Robeson, Vice Chair, Members: Mr. Mike Belles, Ms. Linda Moriarty, Mr. Galen Nakamura, Mr. Ramon de la Peña, Mr. Glen Takenouchi, Curtis Shiramizu, Special Counsel and members of the Public				
Guests	Christina Pilkington, ADA Coordinator, County of Kauai, Janee Marie Taylor, Motivational Consultant				
Excused					

SUBJECT	DISCUSSION	ACTION
1. Call To Order	Mr. Abrams, Chair called the meeting to order at 4:35 pm.	
4. Discussion, Deliberation, and Action by Kauai County Charter Commission Regarding Summary & Status of Possible Charter Amendments, which is also Attached and Incorporated by Reference into this Agenda	<p>a. Discussion, deliberation, and action concerning the development of a list of “pros” (arguments in favor of) and “cons” (arguments against) the adoption of certain proposed amendments to the Kauai County Charter</p> <p>b. Discussion and possible action on preliminary ranking (i.e. prioritization) of amendments to the Kauai County Charter.</p> <p>Mr. Abrams said for the public who may not have watched their last meeting, they have worked on prioritizing their potential ballot amendments and had instructed their Special Counsel to go ahead and take about half of that list and prepare ballot language for them to take a look at. He said at this point he is going to turn that over. Ms. Robeson said before he does that, since they are going to be using this green list, she asked if anyone had a chance to check that because she just wants to make sure, to double check her. Ms. Robeson said to let her know if there's a correction. Mr. Abrams said they are going to move to this green list now. For the public, what they are going to do so that it is easy for them to get it off of the website, they are going to separate this out and put it under other documents in addition to the agenda, so that they don't have to read through the agenda to get to the actual amendments, so they will have that in the section where all the other documents are. As it changes they will simply continue to repost it, so that would be the way for the public to get a quick idea of where they are on these amendments.</p> <p>Mr. Abrams said they had 15 amendments that Special Counsel was working on. Mr. Shiramizu believes that's correct, 15. Mr. Abrams thinks what he would like to have them do is go through them from top to bottom and when they get to B26 B, he is going to put that at the bottom, last which is the County Manager one. Mr. Shiramizu said he doesn't have any language on the County Manager. Mr. Abrams said for this list, he asked if Mr. Shiramizu has it in any particular order. Mr. Shiramizu said it's not in any order; he just tried to get it out as quickly as he could. He suggested that Mr. Abrams can order it in any way that he wants, he did put on each proposal their identification of A1 or A23 or whatever the numbering was.</p> <p>Mr. Abrams suggested that they start from the top – Salary Commission, A11. Mr. Abrams said the ballot</p>	

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	<p>question is by far the longest question he has ever seen. It takes up half the page, which is probably got cause for doing that, but he asked Mr. Shiramizu to go over that with them. Mr. Shiramizu starting off by saying what he did on this, and that is to get the Salary Commission's proposal, which was part of their report to the Council and he thinks it was in 2004. He has a correspondence dated June 2, 2004 from Mark Hubbard, Chair to the Council and that was, he believes, forwarded to this Commission. He took the changes that were proposed by the Salary Commission and he also looked at the amendments that were proposed by Mr. Stoessel that was provided to him as well, and incorporated all of those changes. He said he could briefly go through some of the differences between Mr. Souse's changes and the Salary Commission's proposal. The way he looked at it, Mr. Stoessel's proposal still made the recommendations of the Salary Commission to be approved by the Council, although it's not entirely clear. That's the way he would read his change. He said whereas the Salary Commission just basically said that this is what it's going to be unless it was overridden by 6 votes. He said the Salary Commission also proposed that the Council could nullify their recommendation or the proposal or their established salaries in whole or in part, whereas Mr. Stoessel's change required them to either to take it as a whole or not take it at all. He said because there's an approval of the Council you have this information where the Council approves its own salaries. He said this was in both proposals, but the existing provisions provide that whatever changes are approved or that shall take place subsequently, not during the term of the Council that's currently serving. So in effect what they would have is by taking that out they would have Council being able to vote on recommendations that will affect their current salaries, not future salaries. He thinks that's pretty much it, he didn't know how to get around in the ballot question, fairly and as completely as he could, educating the public as to what it was that they were voting on. He said in a sense it's a little bit of an art trying to figure out what information needs to be provided so that they can intelligently vote on this ballot question. He said that's basically all he has at this time.</p> <p>Mr. de la Peña asked if this how it will appear on the ballot, this long question that he has. Mr. Shiramizu said that's the proposed ballot question. Mr. de la Peña said it looks like he has 8 ballot questions in 1, and if somebody really doesn't accept one of them will essentially say no to the whole question. He doesn't know how he could put it into just 1 question. He would rather just go with their proposal, just leave it like that and then the rest of his qualifications should be in their educational meetings with the public. That's his only concern; he has essentially 8 questions in 1) Mr. Abrams said it seems to him if he remembers correctly and he's looking at the testimony from Mr. Stoessel that was dated March 5<sup>th</sup> as well as the actual submittal to the Council relative to the salary situation, he thinks what he was thinking about for the Salary Commission is: 1) that it is not co-terminus, 2) that they are to do their own rules and regulations for how they handle that, although that's sort of a ministerial one, 3) their decision on the salaries of what he would call administrative heads, not just the Department Heads but also involves the Council members, the Mayor, Deputies to the Directors as well as the Directors, their decision on it is final unless it's overridden by the Council on a supermajority, which is 5 of the 7, 4) that they serve staggered terms in place of the co-terminus terms, and 5) that they all be appointed by the Mayor and confirmed by the Council. However they never really actually said that because they had another amendment and he doesn't know whether or not this body would like to make sure that it is in there in the event it doesn't survive on the staggered terms on the ballot or whether or not they think that that's necessary to put in there. He hasn't gone through the question but he said maybe what he should do now for the public is just go ahead and read the ballot question so that they can hear that.</p>	

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	<p>He said the ballot question is shall the Council approve the recommendations of the Salary Commission except that the Council may reject the recommendations of the Salary Commission as a whole by a vote of two-thirds of Council members? Shall the Salary Commission's recommendations be forwarded to the Council on or before April 1<sup>st</sup>? Shall any increases or decreases in appointee's salaries be effective for the fiscal year following the year in which such increases or decreases or adopted? Shall government employees be precluded from serving on the Salary Commission? Shall the authority to set Council members salaries be removed from the Salary Commission and instead placed in the Council so that the Council instead of the Salary Commission establishes Council members salaries? Shall the Salary Commissions policies governing its salary setting decisions be made subject to Council approval? Shall the current manner in which the members of the Salary Commission are appointed as well as current provisions describing the terms of the Salary Commission members be deleted and instead be governed by the Charter Section 23.02 which specifies the manner in which the members of all Boards &amp; Commissions are appointed and the terms of all Board &amp; Commission members? Shall the current Charter statement describing the purpose and duties of the Salary Commission be removed from the Charter and shall other amendments be made to various provisions of the Charter relating to the function of the Salary Commission in the manner in which appointees or Council member salaries are set? He asked if they want to go by this sentence by sentence or does anybody have any other ideas in regards to their suggestions.</p> <p>Mr. Belles commented that he would agree with Commissioner de la Peña, he thinks it's an excruciating mind numbing detail and he doesn't know that this level of detail is required and he is afraid that anyone reading the proposition for the first time, which there are many in the voting in the ballot booth, will forget what the very first part of this was once they get to the very end. As Dr. de la Peña pointed out they have 8 subsections to this and he's wondering, is there a way for them to summarize more succinctly, get the heart of what the proposition is. Basically on the miscellaneous things, which he considers to be more housekeeping, say in accordance with, pursuant to law or such provisions as the Salary Commission may adopt or promulgate. He believes this is much too confusing and if they agree as a standard that this is the level of detail that they want for all of their Charter Commissions, he thinks they are going to end up with a phone book that people have to go through when they get in to the ballot booth to actually vote on these and he thinks it's a bad precedent from that standpoint. This is in no way to be construed as a criticism of what Legal Counsel has done because he has done what they have asked him to do, which was summarize it, go into the detail they thought was minimally required. He wants to see them have a discussion on if they believe that the approach maybe should be modified or recognize that if they do follow this then they will have to see it through all of the rest of the propositions that are pending.</p> <p>Ms. Moriarty thinks the last four lines that start with shall the current Charter statement describing the purposes; those 4 lines are rather concise and probably could be used with some changes as their ballot question, some form of it. She read, "Shall the current Charter statement describing the purpose and duties of the Salary Commission be removed from the Charter and shall other amendments be made to various provisions of the Charter relating to the function of the Salary Commission and the manner in which appointees or Councilman's salaries are set." They may add a few other words in there, sort of general words, but that</p>	

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	<p>seems a broad enough question. Mr. Abrams kind of likes the one they had, which said “shall the Salary Commission’s recommendations for Department Heads - or they could change that to administrative, and County Council members be effective unless vetoed by 5 members of the Council” and that the enabling docs would sort of, he doesn’t know whether legally they need to address co-terminus or all those other things that would need to be in the question. He’s not quite sure whether or not; while he’s talking he’ll be looking up the question that was asked the voters that created Article XXIX in the first place. He would like to see that question and the ballot language before and he’s got that here somewhere. Ms. Moriarty said the problem with that is that it’s not this ballot question that they have, the proposed one, it’s not only coming from the Salary Commission but also members of the public as well so that would not be a really valid question, that would not be an accurate question. Ms. Moriarty said the question says shall the Salary Commission recommendations and it’s just not the Salary Commission, it’s also recommendations made by the public, by Mr. Stoessel, for example.</p> <p>Mr. Abrams said then it’s the word recommendation. Mr. Belles said it should be shall the Charter provision be amended and then they have to state what the heart of the amendment is without going into some of these things that are more housekeeping, so what really is the heart of it. The heart of it as they have discussed it previously has been the two-thirds provision. He said he could see why Special Counsel put in a reference to Council members salaries being exempt. That is a change also, maybe a substantive change and he guesses where he is trying to err on the side of putting in what is minimally required but still states the most important details of the proposition. He said although having said that he knows reasonable minds disagree on what are substantive and what are marginal and can be discarded.</p> <p>Mr. Shiramizu said part of why he erred on the side of putting in more than less was so that they all can look at it and cut as opposed to not putting it in and not seeing it and not even addressing it. He thinks by making a conscious decision as to what the Commission feels is substantive and what the Commission feels is housekeeping, as he looks at it again, and now couple days later he is looking at it and he sees obviously some improvements can be made. He thinks the main thing is as Commissioner Belles has said, that they need to capture the fundamental change that is being addressed, being proposed and before they even get to that point he thinks the Commission has to decide which of these changes. He doesn’t think the Commission has decided on all the changes that the Salary Commission has proposed and all of them that Mr. Stoessel has proposed, but he put it all in. He thinks it enables the Commission to see all of the changes. Mr. Belles asked having heard what he has from the Commission, the comments and having read this till his eyes crossed, he asked Mr. Shiramizu what he recommends to them that would capture the essence of the proposition without being misleading. Mr. Shiramizu said obviously the heart of it is as the Commission’s first question on the pink paper says is that it’s going to be effective unless it’s vetoed by the majority of the Council and two thirds of the Council. That’s one substantive change. The fact that they have the Councilmen now, if they are going to keep this approval thing, then they have Council approving their own salaries. If that’s something that this Charter Commission wants then to him that seems to be fairly substantive. He said some of this rules and regulations stuff is maybe more housekeeping.</p> <p>Ms. Robeson said she was kind of seeing the question in 3 parts and the first part is shall the Salary</p>	

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	<p>Commission article be amended and the second part has to do with the veto by the County Council and the third part is sort of like the last line of the proposal, shall other amendments be made to various provisions, and that's kind of like the housekeeping part. She said they still have the question of the Council and their own salaries. Mr. Belles said based on that he would like to offer just one compromise or spin off of what she just said. Go with the first statement, include the distinction which is the difference which is the Council shall establish its own salaries and then say subject to such rules and regulations as provided for in the provision. Ms. Robeson asked if that is a different proposal then because they haven't really talked about that; it's like A11A and A11B. Mr. Belles said that's where Special Counsel pointed out, they have to be clear in their own minds what are they really voting for and once they decide that then how do they frame that question because he doesn't know that this accurately reflects what any one of them has necessarily in mind of what they wanted ultimately to adopt. He for one takes some issue with this vote on the proposition as a whole or not at all. He thinks the Council as a legislative body should be able to go through the whole thing and it shouldn't be all or nothing, if something stands out as being particularly volatile or objectionable, they should have the ability to excise that out and deal with the balance of it and not have it necessarily be an all or nothing proposition. Ms. Robeson asked as a whole meaning the whole report. Mr. Belles said exactly, they have 25 appointees, they accept recommendations on all 25 appointees or not, and to him, that's a take my marbles and go home argument. He doesn't think that's necessarily appropriate, there may be legitimate political budgetary reasons why he doesn't think a particular office or office holder should get a salary as recommended by the Commission. He said they shouldn't preclude that debate necessarily.</p> <p>Mr. Abrams said 1988 when this Article XXIX came in, it was a resolution proposed by the County Council. The question was shall a Salary Commission be created that will have the power to establish salaries for Council members and recommend salaries and minimum qualifications for all other elected officials, officers and employees who are exempt from Civil Service? From that they got the entire Article XXIX, which is substantially more than what the question is. He said they got 2 things: 1) can they get a question that is clear and concise enough and it doesn't look like based on what he sees in this question that all of the internal questions that were actually answered are put to the voters, it was more in the substance of the actual Charter amendment that was there. He said if that is the way that it was reviewed and proposed to the voters, then they have a great deal of flexibility in the way that they want to word the actual ballot question and what language they want to shell up in the Charter amendment.</p> <p>Mr. Nakamura said he agrees with Mr. Abrams but he also agrees with Mr. Belles because just having worked on these for like 10 years and having worked on close to a dozen Charter amendments, it's always this balance between providing the voters with sufficient information and accurately reflecting the amendment yet not putting the entire amendment before the voters. He said that's a judgment call and that's a tricky thing. He said to him the concern is, he can see why Special Counsel did what he did, as a start anyway, because he thinks there's always a concern that if you don't give sufficient information, it could be attacked and it could be found your ballot question could be legally insufficient. He said that's sort of the push and pull that they are all kind of struggling with when they write these questions.</p> <p>Mr. Abrams said he is looking at one of the ones that troubles them the most about the Salary Commission is</p>	

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	<p>that it's co-terminus and yet it was not mentioned in this question, so it had to come up actually under the Charter amendment. What Mr. Nakamura is saying is that could have been cause for an overturning of that amendment if it was approved and someone would challenge it then. Mr. Nakamura said it possibly could. Mr. Abrams said they need to catch those major points at this point.</p> <p>Mr. Nakamura said that being said, he did want to state that he did go on the record and say that he wasn't going to be participating on any discussion or vote on the issue of whether or not the idea that the Charter Commission's recommendations are in effect unless vetoed by the super majority of the Council and he's not going to touch that particular issue in line with his prior position. But what he did want to speak on is some of the other changes that are contemplated. For example, the fact that for the past 20 or 30 years or so the Council has never been involved in setting its own salaries, that has always been a function of the Salary Commission because is the question does it really make sense to have the body approving its own salaries? That's a change that he wouldn't agree with personally and that's a substantive change. He said the other change that concerns him greatly is this idea that the salaries go into effect essentially during the term in which the changes are proposed to the sitting Council. Right now the way that they Charter is structured, no change in salary of Council members takes effect during the term of the Council that approves the salaries, he thinks that's a good practice and that should stay there and one of these amendments changes that and he wouldn't agree with that also. Mr. Abrams said not only that, if the one about recusing yourself for a conflict gets approved, no one is going to be able to vote on the issue for the Council's own salaries. He said there would be no process there.</p> <p>Phyllis Stoessel, public witness, said she wonders where the idea that the Council approves their own salary is coming from. According to the Salary Commission's recommendation, 29.01 states that a Salary Commission consisting of 7 members shall establish the salaries of Council members and she did not ever understand that they were not setting salary for the Council. She said the Council is not voting for their salaries, she believes, what's getting recommended is the administrative salaries to the Council, which they vote in. She may be wrong about that, but that was her understanding. The other thing that she is wondering about is the Salary Commission was proposing an entire new Article XXIX and which Commissioner Robeson alluded to. She said the other thing that she also mentioned which she has not heard them refer to is the sections that will need to be altered in the Charter along with this change if Article XXIX is changed and she thinks those sections are 3.06, 3.11 and 7.05E.</p> <p>She asked if she was reading this wrong that the Salary Commission sets the Council's salary rather than recommends it. Mr. Nakamura said that the current practice is that the Salary Commission sets the Council members salaries. Mrs. Stoessel said correct, but she asked if they see in there where the change is occurring because she does not see it in the recommendation from the Commission. Ms. Robeson asked if she was talking about the proposed handout that they have for today for A11; is that what's she's talking about? Mrs. Stoessel said she is talking about the Salary Commission's recommendations where they say that the Council is voting on their salaries. Mr. Nakamura said 29.01 Organization, the second sentence of the new language in the Charter amendment, the Commission shall recommend the salaries of Council members, that wasn't there before. Mrs. Stoessel said she sees shall establish the salaries for Council members, 29.01. Ms. Robeson</p>	

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	<p>said in the Charter, 29.02A, the Commission shall set salaries of Council members; that's what they have now.</p> <p>Mr. Abrams thinks Mrs. Stoessel is correct, he's looking at the recommendation from the Salary Commission and he actually sees 3 resolutions that were included with the recommendation, the first one is section 3.11 which is adoption of the pay plan where they recommend so long as the adoption is accordance with the provisions of section 7.05E and Article XXIX. He said then it goes on, the next one is 7.05 and then they make recommendations to Article XXIX, so there are 3 parts to the actual Charter amendment that he believes they would; 3 sections that they would be amending to make it consistent within the Charter. Mrs. Stoessel said she just wanted to be sure that they were aware that it was a complete new Article XXIX that was being recommended.</p> <p>Mr. Abrams said he sees Council has 3.06 compensation, 3.11 adoption of the pay plan and 7.05 as part of the enabling Charter amendment. He doesn't think they suggested an actual question from the ballot question, he thinks they just said these things need to be changed. Ms. Robeson said Special Counsel has said in the last sentence of the ballot question – and shall other amendments be made to various provisions to the Charter relating to the function, so it's bringing everything into compliance.</p> <p>Mr. Shiramizu asked Mr. Abrams if he has the resolution for the Charter amendment relating to the Salary Commission, because they have some ballot language in the resolution. Mr. Shiramizu pointed out that they have 7 questions, if they would like he can read the questions. He said that would be section 4 of that resolution. County Clerk and County Attorney shall approve the wording of the ballot question which shall be substantially the following form: 1) Shall the selection process for the Salary Commission be changed to allow the Mayor to select all 7 members for 3 year terms? 2) Shall the Salary Commission be allowed to change the policy governing its salaries setting these decisions when it deemed necessary subject to Council approval? 3) Shall the Salary Commission deadline for establishing salaries be set on April 1 of each year? 4) Shall the Council be limited to only nullifying in whole or in part the Salary Commission's recommendations by at least 6 affirmative votes? 5) Shall the appointing authority, example the Mayor or Council, be allowed to set the starting salary or increases in salary of an appointee at any figure below the established salary? 6) Shall the provision requiring the Salary Commission to meet at least once a year be deleted? 7) Shall the provision which prevents the Council members salaries from taking effect during the term in which the change is enacted or for 24 months after a change is enacted, whichever is less be deleted?</p> <p>Mr. Belles said he is more inclined to be with a more comprehensive one but break it out into various propositions as they did rather than just have a semi-colon separating each phrase because he thinks that lends itself to confusion, plus it becomes an all or nothing proposition with these changes and the voters may be supportive to some of the major substantive changes but not all and by voiding one you void them all. He said if there's anything good in there they keep it and not throw the baby out with the bath wash. He would be more inclined to break this lengthy paragraph maybe into a handful of separate questions all dealing with the Salary Commission and let the public clearly declare rather than all or nothing and have something hidden in there. Mr. Takenouchi asked if this was the way it was proposed to the ballot, it was 7 different questions. Mr.</p>	

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	<p>Shiramizu said that was part of the resolution that they drafted, this was something that went to the Council.</p> <p>Ms. Robeson suggested they refer it back to Special Counsel in line with Commissioner Belles' comments. Mr. Belles asked if there was any strong sense for this proposition as a whole as opposed to individually, he asked if there's any strong feeling one way or the other on that because if they give him instruction they would like him to come back with something that is very definitive. If there's something they really don't want, he said they vote on it now and take care of it once and for all. Ms. Robeson prefers not that word: she would like them to take each one of them individually, not all or nothing. Mr. Abrams said so they can take every single one individually and completely reject the Salary Commission's recommendations if they wanted to. Ms. Robeson said they still would have to do the super majority, she thinks it's the underlying principle. Mr. Shiramizu said it would make it easier to prepare something if they didn't have all of these changes unless the Commission is thinking of adopting all of the changes. Mr. Belles thinks they don't need to specify on or before April 1<sup>st</sup>, he doesn't know that dates are that critical to the substance of the proposition that they're looking at. He said increasing or decreasing the salaries is not that important. The proposition dealing with whether or not the Council votes on its own salaries is an important proposition and that should be a separate distinct question. Beyond that he thinks everything else is pretty much routine and straightforward, to him the major controversial policy decision was individually or as a whole and the Council voting on its own. Beyond that, he didn't see anything in there that gave him significant heartburn.</p> <p>Mr. Nakamura asked they would still let the Salary Commission set the Council members salaries, is that a fair statement and they would stay with the idea that no change in Council member's salaries is effective during the term in which a change is made. The Commissioners said he was correct. Mr. Abrams said they would give them an opportunity to reject. Mr. Nakamura said that concept is still there, the super majority one.</p> <p>Ms. Moriarty said the question comes up again which Mr. Abrams posed earlier, what if this question about should Council members vote for their own, set their own salaries versus, let's say that passes, then other resolutions that they may, the other propositions that they may put on the ballot about Council members having a conflict of interest and recusing themselves from debate and vote. She asked what if that passes also. Mr. Belles said this would supercede that because this then is an actual Charter mandate that they are legally required to take that action and it would not be a conflict of interest, Special Counsel can correct him if he is wrong on that, but he thinks that's the only way they can reconcile the 2 Charter provisions. Mr. Shiramizu would agree. Mr. Belles said it's good what Mr. Shiramizu did because it gave them a good detailed listing to work from without him having put this in here, he doesn't know that they would have focused on potential procedural problems and ballot language questions, and this is a good way for them to start.</p> <p>Mr. Shiramizu said it's a little bit easier to get the amendment language, the text and then draft the ballot language because the ballot language has to reflect accurately what the text is. He is still not real clear as to what the amendments are that the Commission has agreed to or wants him to draft. Mr. Abrams said if he remembers correctly, but they listened to Mr. Stoessel's discussion and he provided them this memo, March 5, which put not only on the actual ballot, Charter Article there, Article XXIX, what it said but what the Salary Commission had recommended and what he had recommended. At that point they were more inclined to deal</p>	



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	<p>with what Horace had recommended, but he doesn't think that they had really understood the full context of what they were looking at. Ms. Robeson said if they went through each of these sections that Curtis has, like 29.01 and they say yes, that's good, 29.02, that's good, then he can draft, he could create the language, the ballot question for each of those sections. Mr. Shiramizu asked about this question; whether there's still an approval that the Council has to give. If they look at what the Salary Commission recommended, it says subject to Council approval the Commission shall adopt and when, he apologized, he is looking at the wrong section. Ms. Robeson asked didn't he take his recommendations from what they said. Mr. Shiramizu said yes, whatever their recommendation was, but he's trying to explain when he was going through this, his understanding was that the recommendations would take effect unless Council vetoed. But when he looking at Mr. Stoessel's language, he seemed to put the Council approval back in there, and it wasn't real clear, and that's why he was confused about it.</p> <p>Ms. Moriarty asked what particular section is that. Mr. Shiramizu said his 29.03 read this way: The Commission's salary recommendations shall be forwarded to the Council on or before April 1. Within 60 days of receiving the Commission's recommendations, the Council shall approve the recommended salaries, except that the Council may nullify the recommendations as a whole by an affirmative vote of 5 members. He's saying the Council shall approve. Mr. Abrams said he's actually telling them that you have to approve it unless you veto it. He sees what he is trying to do outside of you don't mention it and say your only right is to veto it. Mr. Shiramizu said to him, that confused him when he read that and that's why he mistakenly said that he's now putting the approval back in, maybe he never intended to but maybe just the language needs to be cleaned up.</p> <p>Ms. Robeson said when they talked about it, look at their language A11, it's effective unless vetoed, doesn't say anything about approving. Mr. Belles said that the point was they're giving some deference to the Salary Commission unless there's an express effort to reject the work product that it's approved. If they were going to reject it, they'd need to have a supermajority vote of 5. Mr. Abrams said he remembers that the Council chose not to entertain something that they didn't even calendar it and so there was no action and this is meant to compel them to have to veto it, is his recollection of it. It compels them to do an action, which is scheduled to be you will approve it unless you decide to veto it by your super majority. Ms. Robeson said it's not even that, it's the Salary Commission recommendations shall be effective unless it gets vetoed, it's giving the Salary Commission the power to make these recommendations and have them adopted unless vetoed. Mr. Abrams said and then you put in have them adopted so they actually shall have to adopt it. That's a legal question, does the Council have to be, can the Salary Commission independently without any kind of approval from the legislative or administrative body, whether they're compelled to or not, can they vote on money matters without some checks and balances. Mr. Belles said under the Charter they don't have the authority to adopt a budget bill, those positions as authorized by law have to be funded by the County Council as part of the budgetary process with Mayor and administration involvement as prescribed by the County Charter. They still have to follow normal financial procedures. Mr. Abrams asked so they couldn't on their own, and that would be why Horace looked at having the Council, compelling them to having to calendar it and vote on it. Ms. Robeson said asked if he meant the Salary Commission couldn't on their own. Mr. Abrams said yes. Mr. Belles said that's why it requires a legislative action because the legislature under our form of government controls the purse strings. Ms. Robeson said they do have to approve it then.</p>	

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	<p>Mr. Belles said they have to take an action. Ms. Robeson said they have to take an action to adopt it. Mr. Belles said she was correct, whether they put it in the affirmative or negative doesn't bother him, the point is that they have to take an action on it, and if they are going to reject or not approve a recommendation of the Salary Commission, they have to do it by a vote of 5, he thinks that's the bottom line. What he recommends just going through the various provisions that their Special Counsel has given them; Charter amendment section 1 organization, he has no problem the way it's stated in term of what's underscored, this is just what they've discussed. Under section 29.02 he has no problem the way it's stated in there. Under section 29.03 he would just recommend that the third to the last line they delete the phrase as a whole so it says, "except that the Council may nullify the recommendations by affirmative vote of 5 members" and everything else he has no problem with and that's consistent with what they've all discussed and then have legal counsel prepare a series of ballot questions summarizing the heart and soul of this proposition.</p> <p>Mr. Abrams said they will have counsel do that and they will put this back on and continue the discussion on this Wednesday. Mr. Nakamura said the only comment that he has is on the April 1<sup>st</sup> deadline, perhaps bump it up to May 1 instead of April 1 just to get the Commission a little bit more time. Mr. Abrams said April was tied in with the budget process. Mr. Nakamura said no. Mr. Abrams asked when the Mayor introduces the budget as he's going to need to know roughly the salaries before he can do his budget. Mr. Nakamura thinks its May 1 or May 15. Mr. Abrams thinks that was tied into that and maybe at least early enough so that the administration has an opportunity to evaluate and create their budget around that. Mr. Nakamura said the reason why he's thinking about that is that Council and Mayor every 4 years get sworn in December, by the time they get organized and actually are able to start appointing members they are into January and February which basically leaves about a month or month and a half at most for the Salary Commission to do its work. He thinks that's a really compressed time schedule. Mr. Abrams wasn't thinking that at all, he was thinking that they didn't have to do it every year, they may take a whole year to evaluate salaries, if they were trying to do it in 3 months.</p> <p>Ms. Robeson asked aren't they staggered terms? Mr. Abrams said assuming it is approved, they can't assume that at this point right now, but they go under the old Charter or the existing Charter yes, the Mayor and the Council will because they're co-terminus but they have to appoint the Salary Commission after they are moved into office in December 1. He said in effect they have 45 days, so that gives them until January 15<sup>th</sup> and at that point they could very well, he doesn't know how they could make it in that first year. Mr. Belles said knowing how serious they take their job when they did meet historically, they have put a lot of effort and it's usually a very time consuming process interviewing incumbents, looking at legislation in other comparable jurisdictions and doing a lot of independent research before they came up with recommendations. He finds it very hard to believe that in a 3 or 4-month period they are going to be in a position to make any kind of recommendations to the County Council. Mr. Abrams said he wants to make sure if they are going to shoot in any one given year that they get their work done and into the administration early enough so that they can prepare a budget that reflects all of this and what would it be under, Article 19.08. Mr. Nakamura said the initial Mayoral budget is submitted March 15<sup>th</sup> then the Mayor has a budget modification that's submitted May, maybe May 1<sup>st</sup>. Mr. Abrams said that has been bantered about in the Charter. Mr. Belles said it's been changed and it's been</p>	

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	<p>formally amended a couple times. He suggested they keep it consistent with whatever the referral date is or the budget of the administration so the Council will get it the same time as the budget. He asked if that is keeping with what Mr. Nakamura would like to see. Mr. Nakamura said that's fine, he said they can accommodate Mr. Abrams concern also, the concern he had is that they submitted it, whichever year they do it, they do it in time so that the Mayor can consider it and the Council can consider it. Mr. Abrams said yes. Mr. Nakamura thinks that can be accommodated.</p> <p>Mr. Abrams said that could be done in the actual Charter amendment, he doesn't think the voters will be that concerned about the timeliness. Mr. Shiramizu asked if the dates changes or remains the same. Mr. Belles asked if they want it March 15, April 1, or May 1, he asked Mr. Nakamura. Mr. Nakamura said probably May 1, whatever the Charter says, either May 1 or May 15<sup>th</sup>, whichever date it is – said he was sorry, March 15<sup>th</sup>. Mr. Abrams asked if March 15<sup>th</sup> was the actual day that the Mayor is supposed to submit the budget, so they are going to hand it to him the day he submits the budget, he asked if they would want it a little earlier. Mr. Belles said the point is, the Mayor doesn't really have a say on it, it's the recommendation of the Salary Commission directly to the County Council and the Mayor as part of the budgetary process could offer comment on it. Mr. Abrams said it goes into effect in the future fiscal year. Mr. Nakamura said the other thing is that the Mayor has the second opportunity during his budget modification in May. Mr. Belles said they are going to have to put it 60 or 90 days prior to this. Mr. Shiramizu asked about the existing 29.06, as he thinks he heard the Commission say they wanted that part left in and the changes in the salary not being effective during the term. Mr. Abrams said yes. Mr. Belles said he was correct. Mr. Abrams said in effect what they're saying is that whatever is decided by the Salary Commission and if it isn't overridden would go into effect 2 years hence, so just in case Council would be almost outside of their term. Mr. Nakamura said that's the idea, he thinks so. Mr. Abrams said it seems reasonable to him.</p>	
<p>2. Testimony by Christina Pilkington, ADA Coordinator, County of Kauai regarding a proposal to amend the Kauai County Charter to support the Americans with Disabilities Act, ("A.D.A."), U.S. Public Law 101-336</p>	<p>Mr. Abrams noted that Ms. Pilkington had submitted testimony to the Commission.</p> <p>Ms. Pilkington said after submitting her testimony, she did find a policy that the County of Kauai does have a policy regarding equal access. And as for number 2 and number 3, and she doesn't know if this is appropriate, she was hoping that she would be able to talk to Galen before talking to the Commission. For example number 2, the County of Kauai Public Works Department adopt the Americans with Disabilities Act accessible guidelines (ADAAG) specifications to the County Code to avoid making costly mistakes which can lead to lawsuits and require continuing removal of access barriers. She doesn't know if that would be appropriate to go on the existing page 15 of the Charter under Public Works. D. states, "examines and enforces the construction requirements and standards of all public and private construction and improvements in accordance with the building code, subdivision code or such other regulations as may be in effect in the County." She doesn't know if they just need to add ADA to those other regulations because they're having a hard time with these ADAAG guidelines and meeting them, and it's challenging.</p> <p>Mr. Belles provided a commentary and overview. He said historically when they met with representatives from other agencies, departments, other interest groups, they've suggested that one of the things they are reluctant to do is just simply re-codify something that's in the law today, whether it be Federal law, State law or other County laws. His concern is that with the ADA basically being a Federal law and if there is a Federal law</p>	

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	<p>which the County is in violation of it, because they've simply stated it in their Charter, it's not going to make it any more less egregious and the point is that with this being Federal law, the County should be complying with it in all of its existing Ordinances, laws, rules and regulations. By them simply restating in the Charter is not going to make that any better or any worse and they should be doing it anyway. That's something that they've pretty much maintained as a policy so it's one of those things if they have to make a change where there's a void they will do it or look at it or consider it but where there is not a void and where there's a clear mandate in the law today, they don't want to simply repeat it in this process.</p> <p>Ms. Pilkington said so they don't think by including it – by somewhere, they need to include it in their building code, in the specifications, which are different, and they aren't County law. Mr. Belles said he understands that but what they could do in the building code for example is they could have a reference to proper Federal code references that would simply mandate as part of the County Ordinances compliance with Federal laws and ADA guidelines. Ms. Pilkington said she is not sure if she is hearing that. What he is saying is, what she's thinking was that if they just took this specifications which aren't all that different than the existing building codes but add the ones that, she guess they wouldn't have to call it the ADAAG guidelines, they would certainly want those to adopt that part of the code so that they don't continue building things that aren't up to code and finding out afterwards. Mr. Belles said he doesn't want our County either building things on its own or allowing other people to build things that are in violation of Federal law. Ms. Pilkington said it happens all the time, it happens currently and she doesn't think anybody does it intentionally, she thinks it just happens and then they're like, oh goodness. Mr. Belles thinks that's why they have a County Attorney, that's why they have a County Engineer that goes to national conferences, he thinks with the Federal government and the Federal code saying you must do this, and if you don't you can lose all of your Federal funding, that should be sufficient enough warning for the County of Kauai whether it be the Mayor, Director of Public Works or the County Attorney to make sure that the County has it's laws in accordance with Federal laws. Ms. Pilkington said yes it should be, he is correct. Mr. Belles said for him in particular, his wife being Director of the ARC of Kauai, he's especially sensitive to these types of issues but he'd like to think that the County is going to follow the law, and if they're going to restate it here for this purpose for ADA, then they've got to restate it for a lot of other purposes that people have brought to their attention because they've got to treat everyone the same, that's discrimination too and that's what they've got to avoid.</p> <p>Ms. Pilkington thanked the Commission for their time. Mr. Belles apologized for that, it's just that he wanted to clearly understand, not necessarily agree with, but try and appreciate what the policy is that's been guiding them in dealing with a lot of various proposed amendments that have come before the Charter Review Commission and he's not trivializing it. Ms. Pilkington said she's not sure, she's not cognizant of other laws that affect this County so much that have affected this administration and the past administration so much. They continue not to get it, they continue even with everything there, pulling Federal funds and everything else, they continue to adopt sidewalks and other parts of developments and they continue to spend taxpayers money over and over and over to get it right because we don't get it right because it's not part of our code. It's amazing to her, all the engineers and architects that for whatever reasons, aren't getting those guidelines and they're not going through the processes they need to go through. Mr. Belles said he can guarantee her that if they haven't read the Federal law and Federal, State and County codes relating to building, they are not going</p>	

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	to read the Charter with a footnote reference to ADA compliance. Ms. Pilkington said that's probably very true too.	
<p>3. Testimony by Janee Marie Taylor, Motivational Consultant, concerning a proposed amendment to the Kaua'i County Charter to adopt the Hawaiian concept of PONO in the Charter</p>	<p>Mr. Abrams noted that they have a handout from Ms. Taylor to amend Article II, Powers of the County under section 2.01.</p> <p>Ms. Taylor invited another member of the community up to join her. (<i>not identified at this time</i>) She said the document that they have is 2 days old and has evolved considerably, so they'll use it as a strong basis hopefully. The document states: Mahalo for inviting PONO back to the Charter Commission meeting on the 17<sup>th</sup> of July, 2006. With specific language and suggestions to where it should be placed in the Kaua'i County Charter the suggestions are as follows and please be advised that the suggested added language is in bold italics and underline. The paper that they have shows 21 words added to Article II stating Powers of the County section 2.01 under Powers of the Kaua'i County Charter, this is in the very beginning of our Kaua'i County Charter. She said in the agenda, item number 3 refers to testimony, proposed amendment to the Kaua'i County Charter to adopt the Hawaiian concept of PONO in the Charter. Some might say why, well just a moment ago dear Christina proved and showed everyone a classic example of how Kaua'i County is out of PONO. Kaua'i County from what she has heard today, section II, that department is out of PONO, it's unable to comply and the directions are very clear, should someone take the time to look it up, that's why they're here representing the concept of bringing PONO values driven government into the County Charter to provide greater strength for the community itself. What she chooses to do right now before she introduces her distinguished community representative here is under Article II Powers of the County section 2.1 power, it speaks of promoting the general welfare and the safety, health, peace, good order and comfort and morale of its inhabitants, that's all of us, the people. What they would like to add is to promote PONO values driven government for the general welfare and the safety, health, peace, good order, comfort, morale and social fabric of its inhabitants. If our government does not keep us in PONO then perhaps a moratorium should be added to give the people power to get back to PONO. Coming out of PONO happens all the time, everywhere, corporations, in our lives, within ourselves. The Hawaiian concept of PONO is a simple concept which most of us understand, however by simply practicing we become PONO. So before she completes the draft, she would like to let this gentleman add his comments please.</p> <p>Rupert Rowe, public witness wanted to add to the word power, the reason why he wants to touch on the word health, welfare, peace and good order is that our government for the last 47 years has not really looked at Article II of the County Charter which is 35 years old. When you look at Article II, it deprives the public the health, safety, peace, and good order, so we're looking at the word moratorium because if government overdevelops and the public does not have an input to protect their interests from the way we've been getting our development across. There's a thing that affects and island community, we're different from the continent of America, we have lost the social fabric of our island community and that is the key to our success on keeping the word moratorium as a driving force to protect the interests our general public. That's why the word moratorium is not something bad; we must look at growth and what we can give back to the power, which is the public. He believes government has never given back to the public because we wouldn't have people out there suffering if government really took the time to look at the general public. So the word</p>	

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	<p>moratorium and the word social fabric is the key to the word PONO, you must be righteous on what you are doing in the process of the word power. He said that's what he has to say right now as his cold has really interrupted his thoughts. He just wanted to get his point across to them, the word moratorium plays a great role in Article II of the County Charter, and the social fabric of our community is at jeopardy. We must look at the whole thing on being Pono, the Charter gives us that part on being righteous on correcting the social fabric that faces our community.</p> <p>Ms. Taylor said here's something to get excited about, the seal right behind them states the County of Kauai, State of Hawaii, and how excited could we be Kauai as a people, as a strong body politic. Underneath the County of Kauai or somewhere in there, a phrase something similar to County of Kauai proud to be PONO, what a wonderful thought, it's very simple to achieve PONO, it just takes cooperation from the heart. She said that she would complete the reading for the public and then be available for questions.</p> <p>Article II, Powers of the County section 2.01 powers, to promote, we're adding PONO values driven government for the general welfare and the safety, health, peace, good order, comfort, morale and social fabric of its inhabitants. The County shall have and may exercise all powers and authority, which may hereafter be granted to it except as restricted by law as of the state. The enumeration or express powers of this Charter shall not be deemed to be exclusive, in addition to the express powers enumerated herein of implied thereby is intended that the County shall have and may exercise all powers it would be competent for this Charter to enumerate expressly. They are adding, providing that these powers be exercised with PONO as the guiding principle, correct, proper and in balance. That would conclude that addition to that Article Section II. She added that when we live our lives with aloha and take kuleana, responsibility for our words and actions, we begin to create PONO, conditions that are correct, proper and in balance, that was written by Mr. Ramsey Tom. She continued that this was originally submitted by herself, Janee Marie Taylor, motivational consultant and it has evolved into an entity onto itself, she realizes, and it has become the PPA, the People's PONO Alliance, so they are happy to be a part of the community.</p> <p>Ms. Robeson asked doesn't the word PONO means different things to different Hawaiians. Ms. Taylor said the basic meaning would be balance, harmony, righteousness, center, chi, in harmony, doing right, being right. Ms. Robeson asked if that was outlined in her handout from the last time. Ms. Taylor replied it is in there, she said that was given as an example, this amendment or adjustment that goes to the voters, the language would be however it would come together appropriately specifically for Kauai. Ms. Robeson is just wondering if this was put on the ballot with the word PONO in it, is that something that people would recognize, they'd understand what that word meant. Ms. Taylor said that her son said to her, "mom, you have to explain PONO", and she thought yes, that's true, it can be explained very easily and she thinks the greater percentage of people living here live here because of that and probably already deeply resonate with that aspect of PONO, and those who do not could look it up in the Hawaiian dictionary also.</p> <p>Ms. Moriarty commented that we all believe, we grew up with the State motto, ua mau ke ea o ka aina i ka pono, and she thinks a lot of us in Hawaii understand PONO, there are people named Pono, the brand, the pineapple company in Kapaa in the 1930's, 40's and 50's was also called the Pono brand. However, she</p>	

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	<p>thinks more importantly is that it's a really important concept for all Hawaiians, but in the real Hawaiian tradition of coming to a decision, it's very important that you bring in everyone in the community, all ages, all factions of the Hawaiian community come together so that they can express their true feelings of PONO. She thinks that it is that cooperative input that would make her feel comfortable. Once she heard from everyone, say the Hawaiian Civic Clubs, the kupuna, some of the chartered schools, some Hawaiian language specialists, Hale O Na Alii, some of the Hawaiian service organizations, and she thinks all of those people coming together and expressing what they feel is truly PONO and will give her a better feeling about entertaining this at this point. She thinks it's a concept we all believe in and all embrace but in deference to Hawaiians, we need to have everyone's input on this.</p> <p>Mr. Rowe said that PONO is everything that is in the County Charter in Article II, health, safety, welfare; it speaks it out right there. All they are doing is putting everything in priority and using the word PONO to identify everything. So when the pineapple company used the word PONO back then, it was to tell them they had the righteous pineapple, that's all it was, the word PONO is righteous. If they are going to bring in all different aspects of the Hawaiian community, then we do have a problem; all they are doing is correcting the problem so they can address the issue. The issue here is to be righteous and not having this word be dragged out without having an identity why we need that word in there. The word PONO means righteous, everything else is based upon the word righteous, so as a kanaka, it is a different thing than a Hawaiian and so we must understand where we are talking. He said when you look at Article II, for 37 years this County Charter has been in operation, but we have never really looked at Article II and the real meaning of what it is for the community. He said we must have this word inserted in there and have our County government put out the word PONO to the general public so that they will have the opportunity, but not having Hawaiian groups to come in and give them interpretations of such of a word, that to him is not right.</p> <p>Mr. Belles said as a haole, having lived in Kaua'i for 50 of his 57 years, he knows enough to know that he doesn't know a whole lot about native Hawaiian culture or language. He said in tenure with the County Attorney's office he had a Deputy who he worked for named Warren Perry and he talked to him a great deal about love and respect for the Hawaiian language. He had a great deal of respect for all the things he told him and taught him, and one of the things is that language as a universal concept, a lot of it depends on the context in which it's used. In different, in their word kupuna have different interpretations of words depending on the context in which a word is used. He said that the first time he saw this proposal come up as based on this communication dated July 13<sup>th</sup>, and before he pursues this issue further, he would need information to feel comfortable that he hasn't improperly hijacked this word, improperly associated a haole interpretation of a Hawaiian word, and that if it's going to be integrated into the Charter, it's integrated in a proper fashion, and toward that end he supports what fellow Commissioner said in terms of wanting to have other people who are very knowledgeable about the Hawaiian language, culture, be able to address them and deal with this in the appropriate way. He doesn't feel that with what he's seen right now that he would feel comfortable saying that let's put this on the ballot and let's take action on it. He said just to be honest, with the little amount of time that they have right now to work on propositions that have been pending before them for some time, he doesn't know that they can do this one four letter word justice. He wants to be real careful again in dealing with this, especially as a haole and not to come across in a crass way as white man's burden that he just</p>	

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	<p>wants to adopt something blindly. He wants to adopt it in an appropriate, deferential fashion that is sensitive to the local host culture here, so he just wants to be real careful, and he doesn't feel at that level of confidence right now.</p> <p>Mr. Rowe wants to clear something up with the word haole. He said a haole is a foreigner; it has nothing to do with color. That is the main issue, the word haole. That word means a foreigner. He said aole, aole haole means a foreigner, it doesn't matter what race you are, whether you're Filipino, Japanese, Pake, it never identifies you on your race; it identifies you as a foreigner. But the aloha to you is different, so when you are using the word PONO, they are answering every question that the Charter puts out, safety, health, peace, good order, comfort and morals, that is PONO. He said to put this word PONO in the word power, we are correcting the process and having the culture identify everything that stands forthright here, safety, peace, health, good order, comfort and morals, that is the whole issue right there. He said we must never drift away from those 6 things that represent PONO, that's all PONO. He said the only thing they are doing is putting the word PONO in there to clarify all this as the western way on using safety, health, peace, good order, comfort and morals, that's all it is. It has nothing to do with one four letter word, all it does is make everything come to the point, we're coming to the point, the point of order, that's what we're coming to in Article II of the Power. He said if the power is not PONO, then how do we get all this other things to function, they're not functioning the good manner, the social fabric of the community, they don't have the safety, the health of the community, good order, peace, comfort and morals, that doesn't apply to that. He said we have never really looked at the word power, but if you look at the word power, then you must look at the word PONO, because all of this is not righteous unless you make it righteous. By making it righteous then you must have a moratorium so we can work and use the word in its proper perspective.</p> <p>Ms. Taylor said coming from her as a motivational consultant, it came from a place of knowing how effortless it can be to integrate PONO into any system. She has huge experience in this, in huge corporations in her life, so it's just been her personal evolution, which has shown her these things. She said this is intended to bring the word PONO into the County Charter, her personal attention is not moratorium, however the point is good because if we're not in PONO we have to stop and do everything we can to get back into PONO. She said it is simple as that and they would like to do it the right way, the best way, welcoming all opinions to do it right, keeping it as simple as possible. She loves that PONO is a four-letter word.</p> <p>Mr. Abrams suggested that first, he thinks that maybe Article XXIII which is the General Provision would if they define PONO as best as they can so that when somebody actually looks at that, they can go somewhere in the Charter to do that. The way he looks at the powers under Article II is that yes, this is what the County Charter says and everything after that is basically the implementation of this statement, that we have a Mayor and everything. The way he reads it in here is that for instance, if some of their elected leaders are not PONO, they get recalled or impeached or re-voted out of office to a certain extent even though he would hope that much better, more detailed steps to try and work it out would be done prior to that, but it gives you some finality there. He said he is certainly not willing to let it go if they get some of these things done to address this general section because it's very hard to implement that and utilize it as more than just a concept that the public would articulate to its appointed and elected officials as to how they should conduct their business. He</p>	



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	<p>said that is being done already, he's heard Rupert say this many times. He agrees with him, he thinks that this is a good process. He said there may be a place there and the best start would be to try and get it defined in Article XXIII so that they have a definition for it as best they can and then at that point they can go to the next steps which he is not sure this Charter Commission will be here but at least it would be a start. He's only speaking on his own self, but he thinks at that point it might clarify it enough to rise to the level of being a ballot possibility. He asked if they could do that by Wednesday. Ms. Taylor said certainly. Mr. Abrams said they would leave this on the agenda so that they can give them ample time to work that out. Mr. Belles commented that the agenda was already posted for Wednesday. Ms. Robeson said that it has to be on the 24<sup>th</sup>. Mr. Abrams said they can't do it for Wednesday, it will be put back on the agenda at the first available opportunity which they have to give 6 days Sunshine, which would mean the 24<sup>th</sup> would be when they would be putting it on and they will leave it on as long as they need be to try and get this resolved as best they can so they can get a vote on it.</p> <p>Ms. Taylor said she teaches better breathing practices, Ha, the breath of life, Ha means to breathe. Years ago she learned that haole has an additional meaning, ha meaning breath, when the foreigner did come and come into the Hawaiian islands, the native Hawaiians were practicing Ha using the breath of life. Of course some of the kahunas may have kept it secret but when the foreigners came in and introduced the handshake, we lost the practice of honi, but also she learned that haole means foreign to the breath because our island people were using all the natural principles at that time. She said that haole means foreign to the breath, but just start breathing deeper and more regularly.</p>	
RECESS	Chair Abrams called for a caption break at 6:09 p.m.	
RECONVENE	Chair Abrams called the meeting to order 6:21 p.m.	
4. Discussion, Deliberation, and Action by Kaua'i County Charter Commission Regarding Summary & Status of Possible Charter Amendments, which is also Attached and Incorporated by Reference into this Agenda <i>(continued)</i>	<p>Mr. Abrams said they are on the second one that is on the list which is A12 of which that question is shall there be an Office of Commissions &amp; Boards Administrator.</p> <p>Mr. Shiramizu said fortunately, he thinks this one is not going to be as difficult as the first one, and it's really just pretty much what the question was originally as stated in the green sheet but with some additional language regarding staff training, education and support. He said they would see the text as well which goes into more detail.</p> <p>Mr. Belles said he is very satisfied with the proposal, the only the part he would take question with or issue with is the Director shall have such training, education and experience as shall qualify the Director to perform the duties of the Office of Boards &amp; Commissions. He is concerned that there really isn't going to be the requisite training, education and experience. It won't be a subjective evaluation or assessment by whoever the appointing authority is and that could create some problems later on. The point is you want somebody who can do the job and this is something you can learn on the job and that you really are in a position of coordinating various other Departments like the County Attorney's office, County Clerk's office to work together with new appointees to make sure that they are brought up to speed on the laws that apply to their particular job and explain to them their obligations under the County Charter. He said that by them putting that simple phrase in there that that could lead to some unreasonable expectations for this particular position. Other than human</p>	

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	<p>resources, he doesn't know what really would be a comparable job description for this.</p> <p>Ms. Robeson is wondering about the use of term Director also, because if it were Boards &amp; Commissions Administrator, she would think the title would be Administrator. Mr. Nakamura asked if it's just Office of Boards &amp; Commissions or is it Office of Boards &amp; Commissions, because otherwise it could be worded as there shall be an Office of Boards &amp; Commissions consisting of an Administrator.</p> <p>Mr. Abrams said one thing he wanted to see on the ballot or maybe in enabling amendment is that he expected this person to solicit, advertise for openings, and look for people who are willing to accept the duties that come therewith, that there was some sort of proactive stance that this administrator would do. Mr. Takenouchi asked if this person would be like the recruiter. Mr. Belles said he would say but not limited to providing recruiting, orientation, education and training. Mr. Takenouchi asked if this is still a discussion whether or not they want to change the ballot question to should there be an Office of Boards &amp; Commissions, consisting of an Administrator.</p> <p>Mr. Abrams said maybe a procedural part at this point right now, these ballot questions, they are going to give the County Attorney a look, or he asked if the County Attorney looked at it already. Mr. Shiramizu said she has not. Mr. Abrams said so they would run this by her and it would come back. Mr. Shiramizu said the intent was to have the Commission to look at this, agree and then they forward it to the County Attorney.</p> <p>Mr. Belles said since this one does not have substantive changes or doesn't appear to, he asked if this is something they can actually vote on now and decide whether or not they want to put this on the ballot at this level, recognizing that at the end of the day they still have the opportunity to look at all of the propositions and decide whether or not this makes the final cut. He said because they have yet to make that decision on anything and since the other one has to go back for substantive changes, he didn't want to make the motion on that.</p> <p><i>It was moved by Mr. Nakamura and seconded by Mr. Belles to place proposal A12, Office of Boards &amp; Commissions on their pre-final list of Charter amendments to be voted on.</i></p> <p>Mr. Abrams said this would be routed to the County Attorney for comment before they do their final vote. Mr. Belles said that's a good protocol, if they give their preliminary approval, it goes to the County Attorney to make sure it's technically in compliance and then they reserve the right for a final vote after they look at all the various propositions.</p> <p><i>Motion carried.</i></p> <p>Mr. Abrams said the next one is should be there a term limit for the Council, which is question A1. Mr. Abrams asked if there were any questions for counsel. He said they had dispensed with the 8 years and were going with 4 consecutive 2-year terms. He asked if it was 8 consecutive years. Ms. Robeson said it was 4 consecutive 2-year terms.</p>	

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	<p><i>It was moved by Mr. Nakamura and seconded by Mr. Takenouchi to place proposal A1, should there be a term limit for Council on their pre-final list of Charter amendments to be voted on.</i></p> <p>Mr. Belles repeated his opposition from before, he won't repeat the speech, but basically he believes that we have sufficient controls with the people being in a position to elect candidates for elective office every 2 years and he believes that's a sufficient control over the process that we don't need to have term limits for a 2 year term.</p> <p><i>The vote was 6 to 1. Motion carried.</i></p> <p>A member of the audience asked if these were all preliminary. Mr. Abrams said yes. Mr. de la Peña said they go to the County Attorney. Mr. Abrams said then they will Sunshine them one more time to make sure that everybody clearly understands what is going to go on the ballot and then they will have a final vote, all of which would be before August 4<sup>th</sup>. He said at this point right now, August 4<sup>th</sup> is right around the corner, so that's what they will be doing, they have moved it that far and it's in the final stage, this is not an official final vote.</p> <p>Mr. Abrams said they are on the districts, should there be districts for the Council, proposal A2. He asked Carol Bain to come up and provide input as she has helped them so much and he would like her input on this matter.</p> <p>Mr. Shiramizu said this is very similar, if not almost identical to the prior 1996 amendment. Ms. Bain said the '96 one was 5-2. Her only other comment is that she's glad that term limits got part of it because term limits actually help as well as the districting to squelch the other concern about pork barreling and log rolling politics. She said the wording looks very similar to what she recommended, so she's very pleased about that. She said it looks good to her. Mr. Abrams believes that was one of the alternatives, the 3-4 that she had mentioned as an alternative. He thinks one of the discussions they had if they hadn't seen it on TV was whether or not an apportionment committee handled the actual drawing of the lines or whether or not they go along State lines, which he thinks. Ms. Bain said that the feedback he got from the Big Island was that the way the State Apportionment Commission, what their policies are, are good ones, the members of the public that she spoke to liked how they, and one Councilmember actually liked how the State reapportionment process was, but that would be up to our own Commission to use those or if in a future date. Mr. Abrams said at that time he guesses the guiding principle was one person one vote and that they had to have a population with not so much of a deviation that it sends it out of sync and as to where those lines actually are drawn and what streets separate the lines that should be up to Kauaians.</p> <p>Ms. Bain said the wording looks good to her; she just has one question while they are on the topic of these. She knows that they are just working on the wording of the actual ballot question, she asked who will be the defining the pros and cons because the past group that defined them in '96 that number 2 pro was actually the no reasons for what a no vote means. Districting promotes provincialism and consequently and log rolling politics, she said if that wording comes in again. She thinks those words are so emotional and negative it's just</p>	

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	<p>going to push people away from understanding. She's just recommending that whoever is going to be doing the pros and cons not use such emotional words, but use more descriptive, if what they are talking about is that local government spending does rise because district representatives feel they must bring improvements to their own voters in their district, then define it like that rather than pork barreling and log rolling. Mr. Abrams said his understanding, and they've had this discussion is, the pros and cons are up to the County Clerk, he would be happy to forward any recommendations she has on the pros and cons on this issue to him. Ms. Bain said she will work on some before August 4<sup>th</sup>, but the wording looks good to her.</p> <p><i>It was moved by Mr. Takenouchi and seconded by Ms. Robeson to place proposal A2, should there be districts for the Council on their pre-final list of Charter amendments to be voted on.</i></p> <p>Mr. Belles repeated his speech from before, trying to summarize that he thinks Kaua'i is small enough that they don't need to be put into districts, he thinks the current process has worked well enough, for that reason he will be opposing it.</p> <p><i>The vote was 6 to 1. Motion carried.</i></p> <p>Mr. Abrams went on to the next proposal, proposal A13, which is shall all Boards &amp; Commissions consist of a minimum of 7 members excluding ex-officio.</p> <p>Mr. Belles had a question for Special Counsel, by not specifically referencing Board of Water, he asked if it's going to create a potential conflict in requiring interpretation, because they're saying all and then they list. Mr. Abrams said he is assuming that these are the Commissions that don't have 7. Ms. Robeson is wondering if they have the list in the ballot question, do they have to list these? It kind of throws people off, so she said in the description it would say which one needs to be revised but in the question itself, she doesn't know if it needs to be there. Mr. Belles said he thinks that it's all Boards and Commissions with the exception of ex-officio are to be 7 members, he asked if that was the original intent. Ms. Robeson said she's thinking of crossing off Police Commission, Civil Service Commission – all Boards &amp; Commissions – shall all Boards &amp; Commissions established by Charter consist of 7 instead of 5 members. Mr. Abrams said he will read for the public the ballot question proposed, it says: shall the Police Commission, Civil Service Commission, Liquor Commission, the Board of Ethics and all other Boards &amp; Commissions established by Charter consist of 7 instead of 5 members. Mr. Nakamura said his concern would be if they did say just all Boards &amp; Commissions, they wouldn't be necessarily telling the voters which specific Chartered Boards &amp; Commissions are being affected by this amendment because except for these 3 or 4, all of them are all 7. In any event he kind of likes this level of specificity only because it tells the voters, if you just say all Boards &amp; Commissions, it doesn't give the voters a clue as to which Boards, specific Boards &amp; Commissions are being affected by this change. Mr. Belles said as a compromise for full disclosure, he asked if they couldn't just say all Boards &amp; Commissions including. Mr. Nakamura thinks that's good. Mr. Abrams asked if he's correct that the way the Charter is worded right now is that they do address the 7 except otherwise provided. Mr. Belles said he is concerned about Water Department where they've got ex-officio. Ms. Moriarty said their initial question was shall all Boards &amp; Commissions consist of a minimum of 7 members excluding ex-officio members. Mr. Belles thinks</p>	

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	<p>they need to continue to have that in there.</p> <p>Mr. Shiramizu said there was a reason why he didn't put that in, but for now he can't think of what that reason was, but let him revisit. Mr. Belles knows maybe one of those terms of art that's not very familiar with people and could add to confusion, but he thinks it's very important that they make that distinction. Mr. Shiramizu said the Board of Water requires 7 currently and they have 7 currently. Mr. Belles said they also have ex-officio members, which were spelled out, three – Public Works, D.O.T. and the Planning Director. Mr. Shiramizu thought the idea was to be consistent. Mr. Nakamura said he just wants to understand Mr. Belles' concern about the ex-officio because if the ex-officio's are included or not included, it's still 7 total for the Water Board, so he's not sure how adding the words ex-officio. Mr. Belles said he is concerned that someone will later say that you are only entitled to 7 members that includes ex-officio and knock 2 people out, he's trying to avoid there being litigation and legal attorney opinions in the future. He just wants this to be as much in black and white as possible and not capable of interpretation. Ms. Robeson asked what are regular Board members called then, we have ex-officio and the other members are called what. Mr. Nakamura said just members, so excluding ex-officio. Mr. Belles said unless legal counsel has a real good reason why they shouldn't have it in there and he'll be willing to entertain that.</p> <p>Mr. de la Peña asked if you say minimum, doesn't that allow them to have more than 7? Mr. Belles said that's what they don't want, they want to say everyone should be treated the same, there's no good reason to have 5 or 9. Mr. Nakamura said just to standardize it under the Charter; every Board &amp; Commission has 7 members. Mr. Shiramizu said his question would be then for the Water Department, they actually can have 10 members, he asked if that is correct. Mr. Belles said that is correct, with the 3 ex-officio officers. Mr. Shiramizu asked if that's okay. Mr. Abrams said that's what they would go to. Mr. Nakamura said no because the Charter says. Mr. Belles said they're excluding ex-officio so it would be allowed 10 members. Mr. Abrams suggested they say 7 voting members that would not count the Water Board. Mr. Belles said they do vote, they just cannot be Chair. Mr. Shiramizu said those questions all came up previously.</p> <p>Mr. Abrams said on 23.02 on the second backside, he doesn't understand, section A it says establish by Charters consist of at least 7 members and then he's got after that all other Boards &amp; Commissions shall consists of at least 5 members. Ms. Robeson said that's by Ordinance, Boards &amp; Commissions, the Charter has 7 all other Boards &amp; Commissions. Mr. Shiramizu said Ms. Robeson is right, that was the clarification. Mr. Belles said they should make that clear and put in all other Boards &amp; Commissions not created by Charter shall consist of at least 5 members. Mr. Nakamura said otherwise they could have other numbers so it would counter that.</p> <p>Richard Stauber, public witness, said to follow up on this not created by Charter, the Police Commission is created by HRS 52d, so in other words they are going to go down with the Police Commission to 5 members again. He said not that he gets here something confused with the statement not created by Charter; the Police Commission is created under State law. HRS 52d states somewhere that there is a Police Commission which. Mr. Abrams asked if it states a number. Mr. Stauber replied that it doesn't state a number there. Mr. Abrams said then it is stated in their Charter. Mr. Belles said as long as it's not contrary to the State Statute and as</p>	

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	<p>long as it's consistent with and that's fine. Mr. Stauber said not that they're going to open some questionable stuff to be able to move in there. Mr. Belles said they're trying to clear up questions.</p> <p><i>It was moved by Mr. Belles and seconded by Mr. de la Peña to place A13 on the pre-final list as proposed and refer to the County Attorney. Motion carried.</i></p> <p>Mr. Abrams said they are on the next which is proposal A19, which says, shall there be a new Parks &amp; Recreation Department. He read the proposed ballot question for the public: Shall there be a Department of Parks &amp; Recreation consisting of a Parks &amp; Recreation Director and necessary staff and shall the Director be responsible for planning, designing, constructing, operating, and maintaining all Parks &amp; Recreational facilities of the County. Developing and implementing programs for the cultural, recreational and other leisure time activities of the people of the County, beautifying the public parks and recreational facilities of the County by planting and maintaining all plants on such parks and facilities and performing such other duties as may be prescribed by the Mayor or by Ordinance.</p> <p>Mr. Abrams asked if they need all of that if it's showing up in the amendment down below. Mr. Takenouchi said that's what he was thinking; it would be a lot shorter. Mr. Abrams said it certainly made him think about a lot of things and the reason why and the job that this department is going take on. Mr. Belles thinks there's a little bit of advocacy in the way the ballot question was crafted. He personally doesn't have a problem with providing the extra information rather than simply stating shall there be a new Parks &amp; Recreation Department. He thinks elaborating on the duties and responsibilities, which people have asked them to be more specific on in detail, he said this doesn't hurt. Mr. Abrams said because it's a new Department it may need some clarifying direction as to just exactly what it's supposed to look like. Mr. Nakamura thinks the idea is sort of putting some flesh on the bones, but it's sort of this push and pull between just having one phrase, shall there be a Department of Parks &amp; Rec consisting of a Parks &amp; Recreation Director. Mr. Abrams asked if they need to say things like adequate staff and funding. Mr. Belles said that it indicated necessary staff and then it's performing as prescribed by the Mayor or Ordinance, which suggests the budgetary process and all of the things they talked about before but they did want to allow this to evolve and not fall like a hammer on Public Works. Mr. Nakamura thinks the language is pretty consistent with the way the Department of Public Works reads. Mr. Belles said what they want to suggest is this is something more than the maintenance problem most people identify with when they go there and there's no toilet paper in the bathroom or the mirror is broken and now they know that they're actually planning parks and not just simply maintaining them. Ms. Moriarty thinks that the voter when they see the topic Parks &amp; Recreation will take the time to read this because it's something that impacts every single one of them. She said the first line should be shall there be a Department of Parks &amp; Recreation.</p> <p>Ken Taylor, public witness, said he thinks one of the things missing here is spelling out what the head of this Department qualification would be. Mr. Abrams asked if he means in the question because it does show down below what the qualifications would need to be and they say the Director shall have had a minimum of 5 years of experience in a responsible administrative capacity either in public service or private business or both and shall be the administrative head of the Department. Mr. Taylor said he would go so far as to say that this</p>	

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	<p>individual should be a licensed landscape architect with an emphasis in horticulture; it's a major undertaking for the County and he as he's said before. He thinks it's a very important part of quality of life for the community and he would imagine that as time goes along and the development continues to move as it is that this individual would be in the process of looking and planning or overseeing new facilities as well so he thinks it's very important that they have not just somebody that has been in a management position in the past, but somebody that has qualifications for not overseeing what is out there. He said they are talking about multi-million dollar facilities that are out there and they should be well maintained but also moving forward with any new activities, somebody should be highly qualified to oversee those developments and installations.</p> <p>Ms. Robeson asked if he thinks that actually those, the kind of skills that he just mentioned might be more appropriate for staff, there might be a landscape architect, there might be a recreation planner, there might be several (<i>tape 1 side B ends here</i>) covered with his concern. Mr. Taylor said his feeling is that they do not want to build a bureaucracy here; they want to keep it lean and mean but at the same time have the qualifications within the Department. In the early years he sees the manager, the person in control having the knowledge and understanding, as time goes along and the population grow considerably, then they can start looking at hiring lots more people underneath, but there's still no reason why that top person shouldn't have the qualifications not only of managing the Department but of overseeing and understanding what's going on from a landscape architectural standpoint as well as a horticultural standpoint. There are a lot of different fields of architecture and that's why he said landscape architect with emphasis on horticulture.</p> <p>Mr. Belles said he'd like to support philosophically where the Vice Chair was going and that is they've just come off of this exhausted debate about the County Engineer not being licensed anymore because they believe that in running the Department of Public Works like this agency may be better served by having somebody that has personnel management skills and can hire and can have within his/her Department the requisite people with the background in horticulture and landscape architecture and what have you. Because as being head of Parks &amp; Recreation it's going to be more than somebody who's going to make the park pretty but also the management and maintenance of the park, so they may be unduly restricting themselves as they did with the County Engineer and then 5 years hence they may be looking to amend the section, delete that just because they couldn't find anybody with the requisite background at the salary they're going to pay to do this job. That would be his one cautionary tale.</p> <p>Mr. Taylor said one of the problems as he sees it is that the salary structure is very inadequate for top management in the County, but that's not the issue here. Mr. Belles said that they have to be pragmatic as well.</p> <p>Ms. Moriarty asked if they had a discussion about an advisory board to Parks &amp; Recreation. Mr. Abrams said yes. Ms. Moriarty said they had a discussion earlier about an advisory board to Parks &amp; Recreation, she asked if that was something that they were thinking of putting on the ballot. Mr. Belles said they wanted to give them the ability to do that if need be, they already have the authority by the Charter and by Ordinance if they wanted to do it and not impose it right off the bat, knowing that again it was something that was going to grow and evolve over time. Ms. Moriarty concurs with the philosophy of Ken and thinks the advisory board would be a</p>	

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	<p>good place to have landscape architects, horticulturists, recreation planners, people with that kind of experience, athletes, etc. so she thinks that might be covered in that regard with an advisory board.</p> <p>Mr. Stauber said he hears Ken but he wants to be cautious there, if they restrict the recruitment part or narrow down in the recruitment of that person, whoever runs that Department will know or will have to experience, and the County Engineer and the Water Department, how difficult it is to fill those positions. If they just create a position to have the position there where they cannot fill them, then he feels uncomfortable there to have it in the Charter. He wouldn't mind to have it farther down where maybe in an Ordinance where it describes what really that function of that Department Head is. He really doesn't want to see it in the Charter for recruitment purposes.</p> <p>Mr. Abrams said he is still struggling with this because he believes that, he understands the fact about being an engineer but it seems to her what the Salary Commission can satisfy that if they had competitive pay that was part of the major overriding reason why they weren't finding a County Engineer who could easily be paid elsewhere. He likes what Linda is saying relative to they would like to have some expertise, but then again this Director is going to be running the recreation side too, who's going to have to have some experience in there and as this thing gets bigger then he is going to need administrative skills too. He is kind of at this point got back to where you should leave it sort of open and let it develop and see how it goes although he kind of likes the Commission. He doesn't know whether he wants to leave it up to the Director, advisory board to that because he thinks a lot of the public had thought that they wanted to have some say as to direct input.</p> <p>Mr. Stauber said he wanted to forward the comment on the ballot question, the fourth line from the bottom up where it says and other leisure time activities of the people of the County. He doesn't want to raise the question what about our visitors, but he asked could they rephrase that somewhere. Not that he wants to propose here that visitors should be inside there but he asked how do they get – the parks will be used by visitors and by the residents so he's struggling a little bit with the activities of the people of the County, so not that they open here something, he rather have it maybe taken out if this is a possibility, but this is just his comment on that one.</p> <p>Mr. Takenouchi asked if he is saying maybe just leave in and other leisure time activities and strike out "of the people of the County." Mr. Stauber said that's maybe a thought. Mr. Abrams said he is trying to figure out why would they want to say of the County, where else would they be working. Mr. Nakamura said he thinks this language kind of mirrors language from the other Counties, so that's probably why the phraseology is similar to that, but they can take away for the people, they can just go of the County. Mr. Belles said but the reality is the person voting on the proposition is going to be the people of the County. Ms. Robeson would like to leave it in. Mr. de la Peña agreed.</p> <p>Glenn Mickens, public witness, said he has to agree with Ken, if the problem here, if they're going to get so called <b>also rans</b> (?) in these positions because salary is the problem, then let's let the Salary Commission. Let's up the salaries then, let's not say well, this is a huge responsibility this Parks &amp; Recreation and the qualifications he thinks Ken, he's an architect or landscaper, he thinks there's a big need for qualified people in</p>	



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	<p>here and if the problem is we can't get the qualified people and if you put it in the Charter saying certain things have to be done, they're not going to get the qualified people. He said that's not the problem, the problem is he guesses they are not paying enough money, but maybe not in every instance. They may get somebody over here that's retired and he's got enough money and he's willing to take the job for what it's worth, so it's not a foolproof thing but it sounds as though money is really the problem then he thinks they should definitely consider. Let the Salary Commission go ahead and up the salaries in these things to get the qualified people.</p> <p>Mr. Abrams asked Mr. Mickens if they should have under the description if they don't want to say licensed landscape architect or something like that, but that part of the description is that they have some experience in taking care of, because right now all it says is the Director shall have had a minimum of 5 years of experience in a responsible administrative capacity, he does not know what that means. Mr. Mickens said he doesn't either. Mr. Abrams said so they say and something that has to do with, he doesn't know how they would describe that. Ms. Robeson said then if they have somebody that is very experienced in running neighborhood centers and recreational programs, that person might not qualify to be the Director because they didn't have the. Mr. Abrams said that's right, it cuts both ways. Mr. Belles said or somebody that's been an Athletic Director over here knows sports very well, other people in the Department could compliment him. He or she, to him they just have to learn from their history otherwise they are going to repeat it and they've had a horrible lesson with having a vacancy all too often in Public Works. He's just very much concerned that they will repeat that same experience with this Division and they've created an institution with nobody lording over it and all dressed up and nowhere to go. Mr. Mickens said he is right, our Parks &amp; Recreation Department, they're in shambles as far as he's concerned, they're not up to par. He knows that Mel had gone over to Maui with his baseball team, he workout field and he said they were apologizing for the shape it was in but Mel said it was beautiful, he was comparing it to their parks, this was just a workout field. He said it's got a long ways to go and again he just thinks it comes down to dollars and cents and supervision as he's pointing out. Somebody's going to have to have the experience in this thing, he thinks Mel is very qualified but he doesn't think he's got enough help in his Department to be able to do it but he thinks Mel has the expertise to do it. Mr. Belles thinks that's a good example, he's done an exemplary job, he doesn't know what his educational back ground is, he doesn't know if it's in landscape architecture or in horticulture and if because of him not having those disciplines, he would be excluded. They would have lost a very qualified and competent person to run that Department. Mr. Mickens said very true, they have their work cut out for them.</p> <p>Mr. Taylor wanted to say that they can have somebody with a lot of experience that had a great staff underneath him that knew everything and it made him look good because they were managing the operation but they come here and they don't have that great staff underneath them and now what do you have, you have a good manager and no knowledge. He understands that the gentleman that's out there has good knowledge of what's going on he just doesn't have the staff. But it sounds to him like if he doesn't have the qualifications as the top person, then he's immediately put in place as the second person and he thinks that is what they have to look at.</p> <p><i>It was moved by Mr. Nakamura and seconded by Mr. Belles to move A19 to the pre-final list and refer to the County Attorney's office.</i></p>	

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	<p>Mr. Takenouchi asked if they are making any changes to this at all. Mr. Belles said they are adding the word and between Parks and Recreation and they're leaving in of the people of the County of Kaua'i.</p> <p><i>Motion carried.</i></p> <p>Mr. Abrams went on to A17, which is, shall a new Fire Commission be created with appropriate duties and responsibilities including the authority to hire and fire the Chief and the Chief appoints the Deputy.</p> <p>Mr. Shiramizu said this ballot question probably, what he did was he erred on the side of putting in more in than less, hoping to flesh out any concerns. Mr. Abrams read the ballot question proposed: shall there be a Fire Commission consisting of 7 members who shall appoint and remove the Fire Chief, and shall the Fire Commission adopt rules necessary for the conduct of its business and review rules relating to the administration of the Fire Department, review the Fire Department's annual budget prepared by the Fire Chief and make recommendations thereon to the Mayor and the Council, review the Department's operations as deemed necessary for the purposes of recommending improvements to the Fire Chief, evaluate at least annually the performance of the Fire Chief and submit a report to the Mayor and the Council, hear complaints of citizens concerning the Department or its personnel, and if the Commission deems necessary, make recommendations to the Fire Chief on appropriate corrective actions and submit an annual report to the Mayor and the Council regarding its activities.</p> <p>Ms. Moriarty said she doesn't see here where it says shall appoint the Deputy. Mr. Abrams said he doesn't see it either; he is looking where he would put it in. Mr. Shiramizu said he doesn't see it either, he thinks he missed it. Mr. Abrams asked if they want to specifically say that? That was a clarifying thing that they had thought about and was also linked to another ballot amendment. Ms. Robeson said she would like to see it in there because of that confusion and then if the other related amendment, if it moved forward and didn't pass, then at least they'd be covered here. Mr. Abrams asked Mr. Belles if he thinks that would be something that would be important enough to want to include. Mr. Belles said he's asking the wrong person; he wasn't involved with this when it first came out and he personally is opposed to the idea of a Fire Commission. He has no problem with what testimony he heard from the Department as well as supporters of the Department saying there should be a Deputy, but he doesn't know that a Commission is necessary. He sees this totally different than he does the Police Commission where the original founding thought when you had a Police Commission was to provide some public insulation for abuse of the Police power and law enforcement and make sure that there was public oversight. He doesn't know that there's any compelling argument for a Commission to oversee firefighting activities. In all the years he was with the County, he rarely recalls any personnel complaints involving fire personnel, he always saw, and he may be wrong in his perception, he always saw fire prevention and fighting of fires as being more scientific, more technical in nature and not involving broad discretion and civil rights issues that he saw with the Police Department and potential problems with the Police Department. So he doesn't know what a Commission will contribute to enhancing the quality of service to the public health, safety and welfare as far as the Fire Department responsibilities are concerned. He said it's 2 different things, he thinks there have been enough problems with the one Commission right now to potentially exacerbate it with</p>	

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	<p>this Department where he doesn't see a need for it. He just doesn't support that, but he does support the idea of having a Deputy to give the support in terms of administration based on what he's observed over the years.</p> <p>Mr. Nakamura asked if they still have that Charter amendment to consider about Department Heads. Mr. Abrams said it's A60, it's got 11 points and it's the 3<sup>rd</sup> to the last on the list. Mr. Nakamura said if this one passes, A60, then they don't have to specify it, but if A60 does not pass, then he guesses they would want a stand-alone statement in this one. Mr. Abrams said he would think so, he thinks that was one of the ones that was clear enough from the public as to what they would like to see which is to make sure that the Chief appoints the Deputy. He said that is based on some County Attorney's opinions in the past.</p> <p>Ms. Moriarty asked if they want to put in there the Chief appoints the Deputy. Mr. Abrams said yes, he asked if they would stick it on as a last sentence. Ms. Robeson said 12.03, someplace in there. Mr. Nakamura said 12.03E probably. Mr. Abrams asked if they are not going to pose that question to the voters in the actual ballot language, they are going to put it in the amendment. Ms. Robeson said in the details, yes. Mr. Nakamura said subject to the County Attorney saying it's okay. Mr. Belles suggested what they want to do to avoid that legal entanglement later on, they can use the comparable section as they have in the County Attorney's office which is 8.05 where it talks about Deputy County Attorneys and you can here have Deputy Fire Chief and just say the Fire Chief shall have the power to appoint such Deputy Fire Chief as deemed necessary.</p> <p>Bruce Pleas, public witness, said he thinks the Fire Commission is just an added bureaucracy that is not needed, it's operating very well and especially if they have number 60, which gets the Police Chief, can do his Deputy, he sees no need for this at all. He said we're operating well at this point like Commissioner Belles has pointed out, it's more of a scientific approach than a public problem, so he really thinks it's added bureaucracy costs and he thinks and hopefully the Commission will vote no on this.</p> <p>Mr. Abrams said if they were to vote on this they would put the language similar to the County Attorney's at the end of this ballot question, Mr. Belles said they could put it at 12.04 then renumber everything else, 12.04 should be 12.05.</p> <p><i>It was moved by Mr. Abrams and seconded by Mr. de la Pena to move A17 to the pre-final list.</i></p> <p>Ms. Robeson said she's going to vote yes to the pre-final but reserving the right to change her mind later. Mr. Abrams said he's going to support this although Bruce is a good friend and doesn't like it, he's got a lot of other friends that do and they have spoken out in numbers so they deserve this to move on and if it passes then Bruce will be voting no on the Charter amendment. Mr. Shiramizu asked if the language needs to be amended just to add the ability of the Chief appoint the Deputy, otherwise the amendment is good to go. Mr. Abrams said yes, he thinks it's very clear.</p> <p><i>The vote was 6 to 1. Motion carried.</i></p> <p>Mr. Nakamura said his position is the same as Commissioner Robeson's, he's thinking real hard about this</p>	

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	<p>one. Ms. Robeson said she's not only thinking about this one, she's thinking about, she's back to the number thing again, she wants to see the whole package before she makes any final decisions.</p> <p>Mr. Abrams said they are on A18, which has to do with them. The question is shall the Charter Commission be a permanent Commission with 7 members serving staggered terms appointed by the Mayor and approved by the Council. Mr. Abrams read the proposed ballot question: shall the Charter Commission which is currently formed every 10 years to study and review the operations of County government and propose amendments to the Charter instead be made a permanent ongoing Commission governed by all provisions applicable to all Boards &amp; Commissions.</p> <p>Ms. Moriarty doesn't think that the Charter Commission should be a permanent Commission, but she thinks every 10 years is really a long period in between to make changes. She would be in favor of something in between, like every 5 years because she's worried that people, if it is a permanent committee, people will think that they can make change in government all the time and will constantly be coming before the Charter Commission. She said granted there should be change in government, but the Charter is like the Constitution and shouldn't be changed at whim. So she would like to see a Commission that is formed every 5 years.</p> <p>Mr. Nakamura completely agrees with Commissioner Moriarty, when he thinks about the State Constitution and the United States Constitution, those documents are not subject to ongoing amendments. He said he realizes there's this other pool that our Charter is inaccurate or incomplete or needs to be updated because it's referring to old laws and those changes need to be made and he thinks everybody recognizes and appreciates that. He said it's interesting because she's exactly tracking what he's thinking, instead of every 10 years there should be a 5-year review period instead.</p> <p>Mr. Belles said like his fellow 2 Commissioners, he agrees the Charter is a great document, it serves the people well, and there are mechanisms in place to get amendments if there is a proven need to have those amendments. He believes that the 10-year process may be a little too long given people's impatience and people's need for and desire for immediate change, and as a compromise he can see supporting the 5 year proposal as opposed to a permanent Commission.</p> <p>Mr. Takenouchi said he would have to support that also for the same reasons.</p> <p>Ms. Robeson doesn't feel that it needs to be a permanent Commission either, but she feels that there is a lot of housekeeping things that need to be brought up to date, such as Commissioner Nakamura mentioned. She said she could support the 5-year.</p> <p>Mr. de la Peña asked how it would be worded to make it 5 years. Mr. Nakamura said instead of 10 just say 5. Mr. Belles said literally substitute one number for the other.</p> <p>Mr. Abrams said he doesn't agree and the reasons why are: if they were to do it 5 years, he would suggest that they put in something that the elected leaders have to appoint this Commission sufficiently in time to do their</p>	

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	<p>work otherwise no matter whether it's every 5 years, 10 years, that Commission is going to have problems. He said he was thinking more along the lines to leave it permanent and at that point once the Commission has done what they had hoped they would do which would be to clean up the Charter, that they might then propose an amendment themselves to sunset themselves. So leave it up to the discretion of that Commission to go about doing it simply because they know what their job is going to be and that's why he doesn't think 5 years is adequate, at least for the first 10 years.</p> <p>Ms. Stoessel said she did a little research just in case she needed to give them some information in case they were not interested in making this a permanent Commission which she firmly believes it should be so that we can get our Charter in the best possible working order. She said it's just like sitting in the audience now, when they are referring to things, she knows where the Article is and the subject matter is, and then she has to go and look to see if it's been amended to whether or not she's reading the right issue. Her research found that, she went through what Peter Nakamura gave to them as a Commission about the number of ballots and amendments that were proposed and how they were dealt with. She said in 35 years there have been 93 proposed amendments, 53 of which have passed, 37 of 60 Council amendments have passed, 15 of 29 Charter Commission amendments have passed and 1 of 4 petition amendments have passed. She said in 1980, 9 out of 25 amendments were passed; nearly all of those were housekeeping amendments. In 1984, 10 out of 15 Charter Commission amendments passed and in 1996, 4 out of 10 Charter Commission amendments passed. She said the Council proposes the amendments when the Charter is not in session. She said the Council, she firmly believes does not have the time to deal with housekeeping and they as a Commission have found that they don't have time to deal with housekeeping, and there is a great deal of housekeeping that needs to occur for the Charter to be in its best working order. She said with this information it seems to her that we are regularly proposing amendments to our Charter, so we're talking about the best possible way to do that. She said that's why she believes that a permanent Commission would meet the challenge of that task.</p> <p>Mr. Taylor said he certainly agrees with the previous speaker. They have done a marvelous job dealing with all these issues and it's sad that something of this magnitude and this importance to the community that there aren't more people here from the community and participating in this activity. This is why he thinks that having a permanent Commission would put more emphasis in the community to have more awareness of what's going on and the importance of the Charter. He thinks that with what they have had to deal with in this short period of time is just mind boggling and he doesn't think they should wish upon anybody and by allowing this to happen, as he understands it, they would only be able to vote on an issue every 2 years, maybe that needs to be spelled out in the changes. He said during the 2-year period they would be dealing with things in the housekeeping issues as well. He thinks as he says, if the Commission is meeting on a more regular basis, the community becomes more aware that the Commission is there, they start to get involved, they realize the importance of it and he thinks that's the main thing for moving to full regular Commission.</p> <p>Ms. Bain said she supported what the Chair is proposing because she does see that there's a lot of housekeeping that needs to be done, so she's trying to think of rather than, she thinks the 5 year problem that they discussed is apparent, so she was thinking maybe a compromise could be that the Commission be formed for a period of 10 years and then go back. So this Commission, so the amendment states that there be a</p>	

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	<p>Charter Commission be permanent for the next 10 years and revert back to the prior wording could be a way to get at least up to date, just a suggestion to mull over.</p> <p>Mr. Pleas said he would prefer that the Commission be permanent, this needs to be done because they need to bring the Charter up to the present and future needs of the County, he sees it as a lot of work. Also if they decide not to have it permanent and they decide to go on x amount of years as the Chair mentioned, please give themselves or whoever is on the Commission at least 2 years to work on it. He said that's imperative they've seen what they're up against with however long this has been, 1 year. He said the thing is, the Charter should be a living document, and it shouldn't be a stagnant document that just sits there for 10 years waiting for a mass of stuff to happen. It should be a living document that continues to progress because the County is not progressing in a slow fashion anymore, things are moving very, very fast and he thinks the document needs to reflect that, so he would hope that it's permanent. They keep going and maybe down the Commission will decide that they have it at a good place, they can take a rest for x amount of years. He thinks at the rate everything is going it just needs to be looked at constantly and things are changing too fast.</p> <p>Mr. Stauber said he agrees with Phyllis, the document is over 30 years old and by looking at it, or perfect example for it is the Mayor's salary. There's in the Charter that our Mayor's salary is \$19,000 so farther on later in the Charter, with the creation of the Salary Commission, this \$19,000 still sitting in the Mayor's part of the Charter but the Salary Commission pumped up his salary to current, he thinks it's \$80,000. He said this is just one example. He said all this old stuff which is hanging in there, never been taken care of needs somehow to be taken care of. He said on one side of the issue give it to the County Clerk and have him propose or give him the authority to take that part out or give this authority to the County Attorney's office will not be trusted by the people. They are going to go scream bloody murder and say why is the County Attorney manipulating on the Charter, it's a Charter, we want to vote on it. He said if it's comes in front of the Commission like the sitting Commission right now, it is recognized, there's so much stuff to do that housekeeping is really the last position what they want to do. He said understands it, housekeeping is for their Commission it's not important, get the big stuff going and housekeeping keep it on the side, we've lived with it for 30 years plus and it worked so far. But now we have reached a point where housekeeping issues that he discovered is on paper about that paper, it was so much he burned it on a CD and submitted it, this is just inconsistencies.</p> <p>He really would ask the Commissioners to reconsider that it at least permanent for to get the inconsistencies out of it and then maybe leave it up that future Commission to adjourn in every 4 years or 6 years. He thinks they have to go with somehow with an election cycle, whatever is there convenient but from the basic point of it, it needs to be somehow updated. He said let's say that the County Manager form of government passes, whatever happens then, then a Charter Commission really should rewrite the Charter, we should have a Commission there. How the wind is going it seems everybody seems to be supporting the change that is coming with the County Manager form of government, at least from the people side. Maybe government itself is not so much in favor of or more opposed to it but the general base, which is out there from the public there seems to be in support of it. Keep in mind in 1968 as this Charter was passed and written, Richard was 12 years old, he asked how old were you in 1968, a lot has changed since then. He said this is what our Charter somehow got stuck in the wild 60's, which was wild he agrees.</p>	

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	<p>Ed Coll, public witness, said he kind of agrees with Richard, nobody likes housekeeping but in '68 he brought something about the phallocentrism of the document using "he" like 90 something times and "she" once or "her" once. He said that's a housekeeping thing, a non-substantive change to use gender-neutral technical language and that could be done really easy. But nonetheless it seems to get kind of pushed off and he thinks that's when the woman's movement was most active, in 1968 and so now it's been all these years and it still hasn't been done. He understands if they have a permanent Commission and they don't want to have constant change and constant turmoil, but he thinks that a permanent Commission could address a lot of these non-substantive technical housekeeping measures that just never seem to get addressed unless they have something like that where people can, maybe they won't be that active but at least they can keep polishing and refining this document.</p> <p>Mr. Mickens thinks the members of the public have all made some valid arguments for leaving it permanent and he'll make it unanimous. He thinks this Commission is the biggest reason; the amount of work they have to go through pushing the time continually, he thinks is the greatest example in the world. He said as Carol pointed out, maybe it should sunset by 2010 or something, they could sunset this thing and sees how it plays itself out. He said Richard also makes a very valid point, if any one of these things, if the County Manager type of thing passes, it's going to involve a tremendous more amount of work for each and every one of them. He really believes that to keep it from just piling everything on top of them, and as they pointed out the housekeeping things can be taken care of and he thinks the Commission is going to have to keep on meeting. Maybe it won't be quite as long as and with as much work as they are having to do but he thinks to be able to keep this up to par as Richard stated, the Charter was 1968 and it's going to have to keep on being updated. He said they highlighted this thing and he applauds them for all their work.</p> <p>Ms. Moriarty thinks what Mr. Stauber said is right. She's been thinking that 5 years is an odd number that they may need to look at an even number, she suggested they give it a little more thought on how that would work out.</p> <p>Mr. Takenouchi said to address some of the concerns, if they do go that route but also to do the clean up of the Charter, he asked if they can stipulate that they don't accept any Charter amendments but they do clean up of the Charter. Mr. Abrams said non-substantive whatever was asked of the County Attorney. Mr. Takenouchi said otherwise he thinks the concerns they had is they'll continually keep changing or accepting proposals to keep changing. Mr. Nakamura said there was a proposal put forward to the voters basically specifying that, places where Mayor's salary is \$19,000, where laws are still being referred to from the territory of Hawai'i or something, that didn't pass. Ms. Robeson asked if the amendments or that clean up that was proposed to be done by the County Attorney's office, would those have been placed on a future ballot or was it just to have those done in-house. Mr. Nakamura said it was just to have those done in-house. Ms. Robeson said because she's thinking rather than having a Commission maybe kind of say that same thing, the County Attorney's to have those housekeeping ones placed on a future ballot, just something else. Mr. Belles said as Commissioner Nakamura mentioned, it was posed before and he was involved in it and the most common refrain they heard was that they simply don't trust the appointed officials to do the right way. They're always</p>	

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	<p>afrail that really substantive issues are going to be effected, there's a fundamental mistrust of the process not to let that function be delegated to an individual other than the Charter process that's currently provided for. Ms. Robeson said but it didn't come back on the ballot for a vote under that previous proposal, correct. Mr. Belles replied that is correct but it was voted on and the feedback is they debriefed people as they walked out was that they just don't trust them to do it right, just as they heard some comments tonight where they really don't trust other individuals to do what they wanted the Commission to propose.</p> <p>Mr. Abrams said what's interesting is as the public was talking to him he was thinking this clean up, it's not as easy as it's proposed. You're going to have a Commission, basically orchestrate ballot amendments coming on every 2 years unless they want to do it all at one time and in effect finding the right language that and all of the changes. It's a huge job that would take a while and the other thing is that he thinks a lot of them have seen that there are so many issues that come up that rise to the level of the Charter Commission. He noticed that their appointed and elected leaders and even Boards &amp; Commissions are starting to think about the Charter at the top of their mind, not oh I forgot kind of deal so there's some benefit to having it ongoing. He said not that they are going to be confronted with a lot of issues that normally wouldn't get on the ballot if the people wanted it to, simply because of getting a petition signed, at the very least there's 5%. He said this is the only time that the people feel that they could go to a Commission and hope that something gets on the ballot without having to rely on their elected leaders or actually go through this 9 yard run of trying to get a petition together.</p> <p>He thinks there's a lot, in his opinion, a lot of merit with what the public is telling them right now, that they ought to think about possibly making it permanent and let the Commission decide as they get done with their job or let the people vote to sunset it later on. He doesn't know whether every 5 years, he probably wouldn't support it simply because he wants it permanent but if it got down to whether or not he'd rather have it every 5 years as opposed to every 10 years, of course he would probably would want to have it every 5 years, but he still thinks it's inadequate to do what they have seen needs to be done with this Charter and with what goes on. He thinks that group in the 5<sup>th</sup> year if it's every 5 years, will be overwhelmed with the same issues that they have today, with nothing for any kind of clean up that he could see in terms of trying to address what they are looking at over the long haul. That's why he would hope the Commissioners would seriously consider permanency.</p> <p>Ms. Moriarty had a question for Galen, she asked when this clean up ballot proposal went to the public, how did the Attorney's office, how did they propose to clean it up? Was it going to be every single section a, b, c put on the ballot or was it going to be an overall clean up and the whole Charter put on the ballot, she asked what was the thinking there. Mr. Nakamura said he thinks the County Attorney was given a very specific list of things that could be corrected, code, statutes; old incorrect references could be updated. He said the question shall non-substantive amendments be proposed in the form of an Ordinance to the County Attorney, so there's still a check and balance because whatever the County Attorney proposed would still have to be submitted to the Council and vetted through an Ordinance process, public hearing, first reading, second reading. So it's not if the County Attorney had so independent authority to make anything happen, it still had to pass before a deliberative process. Mr. Abrams said it's an interesting way that was proposed in light of all of the technicalities they were going to be dealing with on the Charter, that they would specify something that could be changed in the Charter by Ordinance without specifying it. Ms. Robeson said and then there's the same</p>	



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	<p>problem of not having everything in the Charter. Mr. Nakamura said there was a list of what specifically the County Attorney could touch and couldn't touch. His recollection was that the Commission was real concerned about just what kind of authority the County Attorney's office would have to make changes to the Charter and that's why there was a very specific detailed list as far as what the County Attorney could and could not touch. Mr. Abrams said that list which avoids this Charter Commission because they've never been able to find it so that it may take 2 years for the Charter Commission to go find the records themselves. Ms. Moriarty asked if the Charter Commission proposed this. Mr. Abrams said yes. Mr. Belles said yes because the question came up frequently as it has here, it was just simply a housekeeping matter that they don't want to deal with, they have other more important things to do and can't they delegate this to somebody else. If it is perfunctory and non-substantive, as the question was believed the majority of people would say no problem, it's just cleaning it up but again because of the basic mistrust in government, they didn't trust government to make the distinction between substantive and non-substantive changes. Ms. Robeson asked if there's another way to do it then rather than a Commission, is there a third way they haven't thought about. Mr. Belles said they'd have to think of another way; right now the Charter amendment can only happen by means that's currently provided for in the Charter. Ms. Moriarty asked if they can put a proposal on the ballot that said the Charter Commission shall meet every 10 years but between the years of 2008 and 2010, they shall have a special meeting to update the Charter or deal with the non-substantive issues after which time it will sunset; the Commission will sunset and thereafter meet every 10 years, she asked if they could do something like that. Mr. Belles said they probably could ultimately have something like but he doesn't know if it will be a Charter Commission, it might be a non-substantive Charter Commission Review or something like that.</p> <p>Mr. Abrams asked if they want to contemplate this some more until Wednesday. Mr. Nakamura thinks it's a good idea. Mr. Belles said they're thinking about whether it's permanent, 10 years, 5 years or some other term. Mr. Abrams said they've given too many ideas to Special Counsel that he doesn't think he can work on ballot language to cover everything. Mr. Nakamura said he thinks it's something they have to think about, it's not a Special Counsel thing. Mr. Abrams said to those members in the public, if they have any suggestions they would love to hear them and just send them in by email or fax it to Edie. Ms. Robeson said one last thought to think about, is some kind of Charter Commission that up front hires a municipal attorney to look at the whole Charter and present those housekeeping to that Commission or something like that because she thinks to have the Commission do it or to initiate it, then they have to send it to Special Counsel, why not just start with a Special Counsel first to review, just another idea.</p> <p>Mr. Abrams asked if Mr. Takenouchi is going to have to depart and asked if he wanted to chime in on any of these. Mr. Belles asked if he has any strong feelings about any one or more of these. There was no response by Mr. Takenouchi. Mr. Abrams said they were only going to B26B. Ms. Robeson said there are some after that, down to number 6. Mr. Abrams said okay, down to the 14 points. Mr. Abrams said if not, they'll struggle along, they may whip through these next couple ones.</p> <p>Mr. Nakamura asked Mr. Takenouchi had to leave now. Mr. Takenouchi replied in a couple minutes. Mr. Nakamura wondered if he wanted to start the discussion on County Manager. Mr. Abrams said that's a fair request, they are going to skip from A23 which deals with the ballot amendment down to B26B which is shall a</p>	

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	<p>Commission be created to study the County Manager form of government and to develop a proposal or proposals to place before the voters in the 2008 election. Mr. Abrams asked if they had a handout. Mr. Belles said they had a report from Special Counsel in terms of what the status was based on his deliberations with the County Attorney.</p> <p>Mr. Shiramizu said he forwarded to the County Attorney the language that the Commission asked him to regarding the language, should a Commission be created to study and develop a proposal. Mr. Abrams said they have 2 questions both that have made the list, he thinks they had asked for both of them for them to opine. Mr. Belles said right, the first one is the one that's he's getting into right now, it's just basically whether or not there could be a Commission established to study the Manager form of government. Mr. Shiramizu believes that the original one, should a County Manager form of government be implemented, the discussion surrounded whether this was an appropriate ballot question, and he thinks it's pretty clear that it's not because there's no amendment language that goes with that. It's basically what you would call taking a poll of what the people chime in on a subject matter. Mr. Shiramizu said the County Attorney's position basically he thinks is that she reads the law pretty strictly and that is you have to propose an amendment to the Charter for it to be an appropriate ballot question. He said the second question was as he started to say, the creation of a Commission to study and develop a proposal that would be before the voters in 2008. He said that one is less problematic, it's not that clearly a poll but it's still as far as the County Attorney is concerned, not an appropriate ballot question because, and he may be in a way paraphrasing what her position is, but it has to do with the fact that you need an actual amendment and that this wouldn't be amending the Charter, it would be just creating a Commission which would eventually propose an amendment to the Charter.</p> <p>Mr. de la Peña commented that his feeling is that there is a probability that she doesn't like the idea. It implies that the voters have already approved the concept of forming a new form of government, so it's almost like putting the cart before the horse, so if they ask the question first and then if the answer is yes then they form a Commission to explore how it should be formed. Mr. Takenouchi asked isn't she opining to say that is a poll, so essentially what she is saying is that there has to be an amendment which is changing the form of government from the Mayoral system to County Manager. Mr. Nakamura thinks both State Statute and both the County Charter talks about the fact that the jurisdiction and authority of the Charter Commission is to propose Charter amendments. Mr. de la Peña said that's why they have to propose whether the people want a County Manager form of government. Mr. Nakamura said that question is fine, if it's accompanied with a Charter amendment, standing along naked without a Charter amendment, what it is it, if it's not a Charter amendment, he thinks it's not within the jurisdiction of the Charter Commission. Mr. Belles said at the risk of prompting legal counsel, he asked if this is something of an issue and how it was being handled.</p> <p>Mr. Shiramizu said they would need to talk to the County Attorney directly, he doesn't want to speak necessarily for her but he thinks it's based on statute. The process that occurred last week was he sent the language to her, she asked him to do some further research on the question and the question really was, is this an appropriate ballot question. He spent many hours researching Hawai'i jurisdiction and across the nation and at that time couldn't really find anything on point. He said there were some other references in other States to polls, to referendums. One State had 2 ways that you could amend the Charter, one was by a specific</p>	

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	<p>amendment but the statute had another provision that talked about a revision as opposed to an amendment of the Charter. He said this is not fully applicable but the difference being a revision was basically a major change of the Charter and if you were proposing a major change or what the court felt was a major change, then you'd have to go through another process, you just couldn't go through this regular amendment process and they'd have through the Charter Commission, like a Constitutional Convention and then they would have to go that route. He said the question for that particular revision was should the Charter of New Hampshire be amended almost like a poll question, but there wasn't any specific amendments per se that went along with the ballot question. He said there were some recent cases that he just became aware of which basically talked about a non-binding referendum poll. He said this was in the East Coast, but the questions that were proposed or even asked on the ballot was should soil burners be permitted in this County, should medical waste incinerators be permitted in this County, he said this particular court held that was not an appropriate ballot question because there was no amendment, it was just a general question that they wanted a response from the voters. Mr. Shiramizu said it was State court, in Pennsylvania, a 1991 case.</p> <p>Mr. Abrams said she doesn't have any problem with the substance of a County Manager; it's just the form of the question. Mr. Shiramizu said just to make sure that it's basically defensible if someone were to challenge it. Mr. Takenouchi asked if she had any suggestions for them. Mr. Shiramizu replied no. Mr. Belles asked if he could work with her in the next week or so, on some proposed language that they could look at and they would at least know the range or limits they might have. Mr. Shiramizu said he can but he thinks what she is looking for is the actual amendment. Mr. Belles said as he understood it, the majority was looking for an amendment that would allow for the creation of some entity to further study the issue of a City Manager form of government without voting yes or no, because he thinks a lot of them feel uncomfortable in throwing the issue out there without having more information for the public. He asked if that was any way to do that, that would pass legal muster in the County of Kauai that will not result in a legal challenge being filed by our own Attorney. Mr. Shiramizu said he can work with her, he's talked with her at length couple days last week and he did some research, he tried to answer some of the questions that she had, but she still has a concern about the form that they would establish a Commission. Mr. Belles asked if can work with her knowing what the objective is and just see if there's any form of ballot language that would pass muster with the County Attorney.</p> <p>Ms. Moriarty was wondering how some of these municipalities and counties that change from a strong Mayor form of government to a City Manager form of government, how that transition took place for some of them. But it was a valid issue what the language was, she doesn't know what they are in particular. She said Boulder, Colorado was one of the ones that were cited in the study, and they had about 90,000 in that city and she seems that might be the same size as we have. Maybe Special Counsel could look into that. Mr. Shiramizu said he can try and work with the County Attorney on it but they really don't have a lot of time. Mr. Abrams asked if he is saying that basically they actually have to decide that a new Article would be created for County Manager with a Commission after that to set up the details or the County Council or someone else, but before she would find it in a form sufficient to pass some sort of legal muster. Mr. Shiramizu said that's the sense he's getting. Mr. Nakamura understands him to say that they have to come up with a completely new Charter. Ms. Robeson said everything all at once it's not a 2-step thing, it's all at once. Mr. Takenouchi said to correct all the portions of the Charter. Mr. Belles said it's not to be continued or to be followed by, it's this is the proposal</p>	

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	<p>and it's got to be something that's binding and enforceable and stands on its own so to speak if adopted. Mr. Takenouchi noted that they don't have the time to put all that together. Mr. Belles asked there's nothing short of that the County Attorney could support that Mr. Shiramizu feels. Mr. Shiramizu said he doesn't think it's a black and white thing obviously, and he can tell them that they can make arguments that what they proposed is doable, but there are arguments on the other side as well. Mr. Belles said he just wants to make sure again that they don't get sued by ours and that whatever they propose, it's something they can defend and that is more likely than not to be defensible. Mr. Shiramizu asked if it's 51% versus 49%, it's a tough one. Mr. Belles said they know nothing is guaranteed and anything can be litigated but the point is, is this something that they have a lot of comfort with without him giving them odds to know is there case law supporting whatever proposition they're going to be putting on the ballot, not only for this but for any proposition.</p> <p>Mr. Abrams said it gets back to what Walter Lewis' proposal was in the beginning which basically said shall there be appointed by the County Council a County Manager who shall effective upon the expiration of the term of the Mayor in 2010, succeed to all the powers of the Mayor stated in specific sections of the Kaua'i County Charter and shall the County Council enact by Ordinance such other matters as to the appointment, compensation, removal, powers, duties of the County Manager not inconsistent with the foregoing. Mr. Abrams said that as a Charter amendment might pass her muster as to actually being, although this Commission is reluctant enough to want to consider another proposal. But it seems like that's what would need to be done before they got the green light legally wise from the County Attorney. Mr. Belles said they need to know what their range of options is, right now they don't know. Right now it's just pick and a poke, they're all just stabbing in the dark, they don't have a clue what they think is going to pass or not. He said that's why it's difficult to expend too much energy on this when the outcome is always in doubt. Mr. Abrams asked why don't they send this one to her, see what she says. Mr. Takenouchi said that's what he would suggest, that's the best they got right now. Mr. Abrams said any other ones that they have so that they can get them to her. She has written him a letter saying that she would prefer to actually see the ballot language which is what they're trying to do so he would hope she would indulge them and maybe not being perfect in what they're offering up for her to opine on, but at least they're trying to narrow down what some of her concerns are. Mr. Belles said or at least find out what the rules of the game are so that they know what the craft and response to what the legal concerns are as best as he can identify that. Mr. Abrams said it appears at this point right now they will listen to the public because they are not prepared to go one way or the other at this point right now and they've given Special Counsel some discussion. Mr. Belles asked if Legal Counsel has sufficient guidance to pursue this matter. Mr. Shiramizu said he guesses he does.</p> <p><i>Mr. Takenouchi exited the meeting.</i></p> <p>Ms. Bain said she knows they've done the research and she did see that Galen had the Maui managing director business, but she researched and saw just in the year 2000 what the Big Island did. She said they took, they went to their Charter review process and made a new Article called the Executive Branch right under the, so you had your Mayor's powers and duties with a lot of departments there, and they created a new, they reorganized their Charter and directed that the Article be reorganized by adding Departments previously under the Mayor which contained in their Article V. They made an Article VI called Executive Branch and then they</p>	

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	<p>newly created in the 2000 Charter by Charter amendment, this whole new Department and they're calling it Office of Management. She said they kept it under the Executive field and took all these Fire Department bunch of things that were under the Mayor, reorganized it, put it in this area, then created the Managing Director which was still appointed by the Mayor, so probably wouldn't satisfy Walter Lewis. But it was confirmed by the Council and was removed by the Mayor and shall have 5 years experience in administrative capacity. She said this amendment from 2000 Charter, took them 2 amendments, number 2 and 7 which had passed to create this new Department in the year 2000 so maybe this wording could be given to Lani Nakazawa and they could review it. It does define the powers and duties and functions and takes a lot of that out of the Mayor's kuleana but creates this whole executive department to deal with much of the executive type administration that they were talking about. She is just going to suggest that they, obviously it passed their legal muster but not that they have to copy with the Big Island did, but they just did it in the year 2000 so she assumed they had read that and so she was just going to suggest they consider that wording, it seems to be working for them. She asked if they talked to the Big Island because they've only been in action for 6 years, if they had any big bugs that needed to be corrected that they could avoid. So they kind of tried this out, this creation of a new executive, which this managing director is in charge of, so it's just a suggestion.</p> <p>Ms. Robeson said she thought that was kind of not what they were talking about, she thinks that's like the Administrative Assistant, the Gary Heu position that they made it into a Managing Director with new responsibilities. They are talking about changing the whole form and the structure of government potentially, so they wouldn't have a Mayor that was an executive branch, the Mayor would be with what's the legislative now, selected from the Council. Ms. Bain said considering if they're not finding that it's going to work because it seems to be a whole different philosophy in government. Ms. Robeson said she thinks they are talking about 2 different things.</p> <p>Mr. Pleas said as he understands it, it needs to be worded as a Charter amendment, that's what the County Attorney is basically saying. Mr. Shiramizu said yes, there has to be actual amendment language like Section 5.04 should be amended to read as follows and whatever other parts of the Charter that have to be amended to implement whatever they are trying to get passed by the voters, it has to be an actual amendment. Mr. Pleas said this may seem kind of simple, but they take 26A and say shall there be a new Charter amendment for a County Manager form of government, he doesn't know whether it meets the criteria but you're saying a new Charter amendment so you're being specific because he believes it would be a new one. Mr. Nakamura thinks it's not just a matter of the question, it's a matter that the question has to come along with an actual amendment to the Charter. Mr. Belles said that would be form over substance, it's not a matter of just labeling it properly, it's a matter of actually having the flesh on the bones, a phrase that they use a lot but they'd actually have to have the devil and the details in terms of identifying what that form of government is, and how it actually works, how it amends every other corresponding section of the existing County Charter. Mr. Pleas said that would be addressed if they added 26B to it and by adding and say the County Manager form of government and shall a Commission be created to study the Charter amendment. Mr. Belles said that won't do it because it's still open ended because the Charter has to do the work that the County Attorney is saying has to be done up front. Mr. Pleas asked if they were specific in a section of the Charter then would that work. Mr. Belles said it has to have all the details worked out, that's how he understands the opinion. Mr. Shiramizu said</p>	

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	<p>that's correct. Mr. Belles said anything else is a preview of coming events that doesn't seem to work.</p> <p>Mr. Abrams said he sees what Carol is talking about in the outside of that, but it is intriguing, the Hawai'i Island Charter, their Article says under the Executive branch, the managing director and agencies under the managing director, so it specifies down the line as to which ones those are. The only difference there is that he reports to the Mayor for the ultimate decisions, they still have all the duties and everything else that is laid out into that and that might have been a new section. He asked if Mr. Shiramizu knows whether or not the County Attorney would be able to provide them some legal precedence for her opinion relative to this. Mr. Shiramizu said no he doesn't, she is actually trying to get her to provide something that supports what they are doing, and make her comfortable with it, and he hasn't been able to do that. Mr. Abrams said he hasn't been able to do that and they're not sure whether or not she can actually come up with stuff that would say that because they're not doing this they can't do it, so it's sort of either way, they're darned if they do and darned if they don't. Mr. Shiramizu said in a way. Mr. Belles said the burden is falling on them to show that what they can do is going to meet the minimum legal standards through him. Mr. Shiramizu said he's spent many, many hours researching this and he's not sure he's going to be able to spend any more time and find anything more.</p> <p>Ms. Moriarty said if the County Attorney said they have to have an amendment, how did they create the electric power authority, that wasn't an amendment to anything. Mr. Shiramizu said maybe Commissioner Nakamura might have, he's the one that drafted it. Mr. Nakamura said there was an amendment, this whole Article XXX did not exist prior to it's adoption by the voters, so that was sort of the, metaphorically speaking, the flesh and the blood and the bones that went along with the question, shall there be a an electric power authority, so that's sort of the idea, you have to have the flesh, the blood and the bones as well as the question. Ms. Moriarty said in that case they could say shall there be a County Manager form of government. Mr. Nakamura said they could, and that question is totally fine as long as they have the flesh, the blood and the bones to go along with it. Ms. Moriarty said they would have to have the Article set up and the whole structure. Mr. Nakamura said exactly. Mr. Belles said it couldn't be incompatible with or inconsistent with the existing County Charter, which means a lot of research to make sure that everything jives together. Ms. Moriarty said so having that question; they wouldn't be able to do that, so that question is out. Mr. Abrams said it would be if they decided that they thought it was sufficient and they wanted it put on the ballot then it would be left up to the County Attorney now to do her legal research to determine whether or not she was going to challenge it in court, much like the 'Ohana amendment. Mr. Shiramizu said he guesses that would be one. Mr. Abrams said because they wouldn't be leaving her much time at that point, she would have to scramble.</p>	
RECESS	Chair Abrams called for a caption break at 8:20 p.m.	
RECONVENE	Chair Abrams called the meeting to order 8:30 p.m.	
4. Discussion, Deliberation, and Action by Kaua'i County Charter Commission Regarding Summary &	Mr. Abrams said he had circulated County Manager ballot issue that they're going to ask Special Counsel to run it by the County Attorney to see whether or not this would be the direction she is looking for relative to the form. He said this is what he had read earlier which basically addresses specific sections, this is something that she wants then he is going to suggest to Mr. Lewis or themselves or Special Counsel to actually address each section, Ramseyer it so they actually have a separate amendment that would go in there. He realizes that may be problematic for some in regards to the idea of the way it's being proposed but they'll also be	

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<p>Status of Possible Charter Amendments, which is also Attached and Incorporated by Reference into this Agenda (<i>continued</i>)</p>	<p>working on the other way, which is to appoint a body and somehow incorporate that into an amendment, if that is possible.</p> <p>Mr. Abrams went back to item A23 which they have shall signature requirements involving initiative and referendum be reduced from 20% to 5%.</p> <p><i>It was moved by Mr. Belles and seconded by Mr. de la Peña to put A23 on their pre-final list for the County Attorney for comment. Vote was 5 to 1. Motion carried.</i></p> <p>Mr. Abrams moved on to A24 shall the number of signatures requirement for recall be reduced from 20% to 5%.</p> <p><i>It was moved by Mr. Belles and seconded by Mr. de la Peña to put A24 on their pre-final list for the County Attorney for comment. Vote was 5 to 1. Motion carried.</i></p> <p>Mr. Abrams said they are on the last one on their initial group, actually not, there are 2 more – A15, which is shall all members of Boards &amp; Commissions be appointed by the Mayor and approved by the Council. Mr. Belles thought it was fairly stated and points out the 2 Commissions that they were concerned about, very straightforward, good job. Mr. Belles noted that Mr. Shiramizu did a lot of work. Ms. Robeson is wondering if there is a way to reverse the 2 parts of that though; have the general provisions phraseology first, sort of like they did on that other one because that's the main issue. Mr. Belles said so shall the County Council appoint blah, blah, as opposed to the current method, he asked if that's what she would like to see. Ms. Robeson said if she was reading this as a voter she's thinking right away this is only about the Cost Control and Salary, it sort of puts more emphasis on that rather than that they want them all consistent, that's kind of the emphasis. Mr. Nakamura said but everybody is consistent except for Cost Control and Salary. Ms. Robeson said okay. Mr. Abrams asked if they needed to say Chartered Commissions like they did last time because there are some split appointments that are by Ordinance, are they not. Mr. Belles said yes, what they can do then is on the 3<sup>rd</sup> to the bottom line; say general provisions applicable to appointment of all other Boards &amp; Commissions created by the Charter, which requires that blah, blah, blah. Mr. Nakamura asked where he was. Mr. Belles replied 3<sup>rd</sup> line from the bottom, general provisions applicable to appointment of all other Boards &amp; Commissions created by the County Charter, which require etc. etc. Ms. Robeson said she wants to try to flip the subjects. Mr. Nakamura said they lead off with all Boards &amp; Commission and follow with the specific information on the Salary and Cost Control. Ms. Robeson said right, and she doesn't know how to do it right off the bat here.</p> <p>Mr. Abrams threw out that he was thinking that they ought to let the voters know that none of these Commissions have ever been appointed in a timely manner and that whether or not they want to change their mind and go back to the old way. Ms. Moriarty thinks the average person out there, they pick up the ballot, just being totally pragmatic at this point which she thinks which is what Barbara is looking at, is that they pick up the ballot and start reading it and usually the first sentence tells you exactly what the change is and she thinks it's important that they do that otherwise they may lose their interest and it may confuse them. She said the whole purpose here, the whole point of this is that all Boards &amp; Commissions be appointed by the Mayor and</p>	

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	<p>approved by the Council. Mr. Abrams said which it is with exception of these 2. Ms. Moriarty said maybe they could put some language in there that says. Mr. Nakamura said they could go something like shall all members of Boards &amp; Commissions be appointed by the Mayor and approved by the Council including the Cost Control Commission &amp; Salary Commission which currently calls for. Mr. Abrams said he remembers when he was looking at this way back when, he liked the idea of split, it seemed fairer, better, all that other stuff, and in effect what it has turned out to be is a disaster. He wanted to be able to point that out to the public so that they know why they are putting that amendment up because if it hadn't happened, they wouldn't be doing this. He asked how they get that across in the first sentence. Mr. Belles said without the editorial, the point is not to punish, the point is to show how this needs to be amended to be consistent with other Boards &amp; Commissions, that's just his opinion. He suggested shall the Cost Control Commission and Salary Commission be governed by the same general provisions applicable to the appointment of all other Boards &amp; Commissions created by the Charter, which requires that all members of the Boards &amp; Commissions be appointed by the Mayor and approved by the County Council. Mr. Abrams and Ms. Robeson said that's fine. Mr. Belles repeated that – shall the Cost Control Commission and Salary Commission be governed by the same general provisions applicable to appointment of all other Boards &amp; Commissions created by the County Charter which require all members of Boards &amp; Commissions be appointed by the Mayor and approved by the County Council. Mr. de la Peña said all he has to do is remove after which cause. Mr. Shiramizu asked if that satisfies them.</p> <p><i>It was moved by Ms. Robeson and seconded by Ms. Robeson to move A15 with the revised language to the pre-final list for the County Attorney for comment. Motion carried.</i></p> <p>Mr. Abrams moved on to A14, shall all Boards &amp; Commissions have staggered terms. Ms. Moriarty said she would like to see this flipped around. Mr. Abrams said they can flip it, but it seems like there's only one sentence so how can they flip it. Ms. Robeson said there are a lot of commas in there. Mr. Belles said he's already flipping one, they can flip the other. Mr. Abrams said the actual question for the ballot given to them by Special Counsel says shall the terms of the members of the Cost Control Commission and Salary Commission whose terms are currently co-terminus with the Mayor and County Council respectively, instead be governed by general provisions applicable to terms for all Boards &amp; Commissions which require that members serve staggered terms at 3 years. Ms. Robeson asked if every ballot question has to start off with shall. Mr. Belles said yes, in the form of a question. Ms. Robeson said shall the general provisions applicable for all Boards &amp; Commissions, which require that members serve staggered terms for 3 years, also apply. Mr. Nakamura read how Mr. Belles phrased it, shall the Cost Control Commission and Salary Commission be governed by the same general provisions applicable to staggered terms created by the County Charter which requires that and then just something like that, parallel structure to that question.</p> <p>Mr. Stauber made a suggestion on that part, since it deals with the Salary Commission and the other one, if they are going to go and move it together with A15, because this deals with the same issue and the same Commissions. Mr. Nakamura said yes except that one is talking about the terms and the other one is talking about the appointment process. Mr. Belles said they really are 2 separate subject matters. If they co-mingle them then someone could argue that they have 2 separate subject matters and therefore the ballot proposal is</p>	



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	<p>sufficient. Mr. Stauber said his goal was more to eliminate one question.</p> <p><i>It was moved by Mr. Nakamura and seconded by Mr. Belles to move A14 to the pre-final list and refer to the County Attorney. Motion carried.</i></p> <p>Mr. Abrams said that comes to the first half of the list. Ms. Robeson said no, A3 and A4. Mr. Nakamura said he thinks it's wrapped into the districting thing. Ms. Robeson said in A2. Mr. Abrams said he will bring these up so that the public can understand that they had 2 other ones that they were looking at which is must a candidate be a resident of the district and the other one was can only residents in the district vote for the candidate seeking to represent that district. That is wrapped into A2 which is should there be districts for the Council. He said the actual question at this point right now that is posed and going up to the County Attorney handles all 3 of those issues. Mr. Abrams asked if they were to go any further. Ms. Robeson said no. Mr. Nakamura thought they were going to vote on them. Ms. Robeson said yes, they were going to do some elimination on the last one starting from. Mr. Abrams said they want to do some elimination on the second half, well then they'll do that then – they will start with that at the beginning of the next meeting.</p>	
5. Discussion of Charter Commission's Budgetary Needs for County Fiscal Year 2006-2007 & Review of Budget and Status of Expenditures for Fiscal 2005-2006	There was nothing to report on this agenda item.	
6. Status on Charter Commission Rules	There was nothing to report on this agenda item.	
7. Schedule, Timeline & Tasks of the Charter Commission	<p>a. Review of overall schedule, timeline &amp; tasks of, and invitees to, the Charter Commission</p> <p>b. Further consideration and, if necessary, revision of schedule of Commission's meetings and invitees</p> <p>c. Discuss schedule for holding public meetings around island (i.e., set dates, reserve locations, legal notice)</p> <p>d. Discussion concerning the direction of work and questions to be decided by the Commission</p> <p>e. Status of special counsel's work assignments in support of the Charter Commission</p> <p>Mr. Abrams said they will start on Wednesday with the second half of the list and they will be voting on them as to which ones of that group they want to survive. Mr. Belles said it will actually be drafted into the form of a ballot question. Mr. Abrams said with the idea that those that survive would be ready on Monday. Mr. Belles said they would work with Legal Counsel to get better direction and better understanding. Mr. Abrams said that would put them on the 24<sup>th</sup>, it would give them 11 more days to have it all done.</p>	
8. Communication and Handouts	<p>a. April 14, 2006 e-mail from Felicia Alongi Cowden regarding a suggestion for Charter Commission</p> <p>b. July 8, 2006 e-mail from Ryan M. de la Peña concerning Fire Commission Support</p> <p>c. July 9, 2006 e-mail from Chris Faye, Chris Faye Designs concerning support in recommending a Fire Commission</p>	

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	It was moved by Mr. Belles and seconded by Ms. Moriarty to receive the three communications for the record.	
9. Public Comment on Charter Commission July 17, 2006 Meeting Agenda Items	<p>Mr. Mickens said for his clarification for the public that may not know this, he asked are only the 28 issues being considered for the ballot? Those are their prioritization and the top 15 that they've gone over now, in other words this was the method by which they chose to put it on the ballot, the other 40 or 50 issues, they're gone, they're dead they're not to be considered. Mr. Abrams doesn't consider them gone but he doesn't think he'll get a motion out of here to get enough Commissioners to decide they want to move it back up to A but nothing's off the table. Although they decided to prioritize these because of their time constraints to get what the Commission considered the most important and they'll take the second half and continue to do that with the idea that more may survive. He said at that point all of them that have passed their muster will be put up for a final discussion and vote and he would expect that to probably be August 2<sup>nd</sup>. Mr. Mickens said just so the public watching understands that, that these 28 issues are what they are voting on, those are the only ones that hold muster to go on the ballot. Mr. Belles said nothing is final yet, this is a strong indication of what they are likely to vote on and these are the priorities as they stand as the 17<sup>th</sup> of July. Mr. Mickens said as Richard said, he guesses only a super majority could bring any of the other ones back. Mr. Belles said not even that, just a majority, they've not established any policy on that.</p> <p>Mr. Coll said he just noticed and from listening to the conversations tonight, the issue that he has is; it says the County of Kaua'i shall oversee PEG, public education and government access in the County of Kaua'i. He thinks that should be changed to, shall the County of Kaua'i oversee public education and government to make it correspond? Ms. Robeson said these were all inconsistent but this is the exact language that they've been tracking so when it gets put in the correct language, it'll be changed. Mr. Coll said he did submit something today because he thinks Glen asked about what the responsibilities are and he went through the final plan and came out with slightly over a page, it's everything in that final plan that refers if the County accepts that option, so they can go over that before the next meeting. It's a nice concise summary where they don't have to read the 17 pages; they can read 1 page.</p> <p>Mr. Stauber said he would like to go back to item number 2, the testimony of Christina. He noticed Christina is really frustrated with the compliance of the County government. He said on that item just leave it there and he showing her few there, he's frustrated on the compliance of the County as a whole to the law. He doesn't want to go deeper because it comes up on Wednesday day anyway on that part. He has more questions, which should be directed to Edie, does Edie need some assistant help anywhere on that where; they're always looking for Curtis. Curtis are you ready, do you need assistance, but nobody seems to be looking to Edie and he discovered by looking at the agenda by the meeting minutes that they are going to be falling back on time. He asked if there's anything that can be done to give Edie some assistant help, he couldn't ask Edie so he asks the Chair if he could redirect to Edie if there is something on Edie. Ms. Ignacio said right now she has another Commission Support person that does transcribe for her, Kris Nakamura is doing a wonderful job, Linda has been assisting her with the proofreading, as well as she proofs, so they at least get 2 proofreads on this. She said that because the meetings are now twice a week, they are now going to fall behind but they are going as fast as they can. Ms. Moriarty said it takes a while to edit the minutes and they've just been having so many meetings. Mr. Abrams said that if they would like, although he knows that it isn't official, they have been</p>	

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	<p>obtaining the captioner's transcripts so that they can get a good look at it, they could post that to the web or have it available, he doesn't know what he would think. Mr. Stauber said he doesn't really want to complain that they are falling back here, it's just to make sure that Edie has all the assistance that she needs there, and if she needs more, then at least somebody stands up there and says we need or Edie needs help, do something, just that this question is being raised. Ms. Moriarty said she could have some help with some of the minutes, if another Commissioner would like to take one meeting, she thinks it would really help, she knows Barbara is really busy. Mr. Belles said whatever she could do, just get over to him what he needs to look at, he'll help.</p> <p>Ms. Stoessel asked if it is their intention to put the ballot language on the website before Wednesday's meeting, is that even possible. Mr. Belles said no. Ms. Stoessel said that was what she was thinking; she just wanted to be clear. Ms. Robeson said it has to be posted. Mr. Belles said they haven't finally adopted any formal language. Mr. de la Peña said it has to go to the County Attorney for comment. Mr. Nakamura noted that they don't want to mislead people, give them the wrong impression. Mr. de la Peña said they don't want to jump the gun; they'll let her take a look at it first.</p>	
7. Approval of Charter Commission meeting minutes	<p>a. June 19, 2006 Meeting Minutes</p> <p>It was moved by Ms. Moriarty and seconded by Mr. Belles to approve the June 19, 2006 meeting minutes. Motion carried.</p> <p>b. June 26, 2006 Meeting Minutes  c. June 28, 2006 Meeting Minutes  d. July 3, 2006 Meeting Minutes  e. July 10, 2006 Meeting Minutes</p>	The Meeting Minutes will be reviewed at a subsequent meeting.
8. Future Meetings of the Kaua'i County Charter Commission	<p>a. Possible agenda items for Charter Commission meeting(s) of  July 24, 2006, Council Chambers @ 4:30 p.m.  July 26, 2006, Mo'iikeha Meeting Room 2A/B @ 4:30 p.m.  July 31, 2006, Council Chambers @ 4:30 p.m.</p> <p>Mr. Abrams noted that they will have a meeting on July 19 at Meeting Room 2A/B. Ms. Ignacio noted that Commissioner Takenouchi would be absent on July 19 and July 24.</p> <p>Mr. Shiramizu asked that the only proposal that was discussed tonight that is coming back for discussion is the Salary Commission, the rest they have all agreed on the amendments and he will be making the amendments and sending it directly to the County Attorney's office. Mr. Abrams said in addition they would be giving him some for the County Manager that he will be sending to her. Mr. Shiramizu said he was given the Walter Lewis one, so he can forward that too. Mr. Belles asked if he could attempt to get an advisory opinion on that for them. Mr. Shiramizu said the second half of amendments will be on Wednesday. Mr. Abrams said they will wait until Wednesday and at that point then he'll have his work cut out for him. Ms. Robeson said in terms of updating with the correct language on the green sheet, for posting tomorrow for the 24<sup>th</sup>, she doesn't know that</p>	

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	they are going to have this ready, she noted that she doesn't know if should be put on the 24 <sup>th</sup> agenda, it's still work in progress. Mr. Belles said it's all that they have. Mr. Abrams said it's all that they have at this point, he said they should give some thought as to how they are going to get all of this set up for the August 2 <sup>nd</sup> meeting that can be sunshined properly in order to make the August 4 <sup>th</sup> deadline. Ms. Robeson suggested that what she could do on all these things, she could say revised at so and so meeting, but she can't just revise this language without having, so she asked what she should do. Mr. Abrams said he would leave that the same and perhaps they could come up with something that they could post these are the actual ballot questions that are going for review and put a disclaimer or something, so at least the public could see it. Mr. de la Peña suggested she say that those are not the final ballot wording. Ms. Robeson said it's up there, still possible Charter amendments. Mr. Belles said that's an accurate statement. Ms. Robeson said that's accurate and she's going to change the date to today's date, 17 <sup>th</sup> for posting on the 24 <sup>th</sup> .	
9. Adjournment	No other Agenda items were discussed. Meeting was adjourned at 9:00 pm.	

Submitted by: \_\_\_\_\_  
 Edie Ignacio

( X ) Approved as is

Date: September 6, 2006

( ) Approved with amendments. See minutes of \_\_\_\_\_ meeting.